

# Planning Committee

Date: **4 March 2026**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard, C Theobald and Pickett

Conservation Advisory Group Representative

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# AGENDA

## 175 PROCEDURAL BUSINESS

**(a) Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

### **(b) Declarations of Interest or Lobbying**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

**(c) Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

## 176 MINUTES OF THE PREVIOUS MEETING

7 - 20

Minutes of the meeting held on 4 February 2026.

## 177 CHAIR'S COMMUNICATIONS

## 178 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 26 February 2026.

## **179 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

## **180 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

*Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.*

**Public Speakers Note:** Any persons wishing to speak at a meeting of the Planning Committee shall give written notice of their intention to do so to the Democratic Services Officer **4 working days** before the meeting (the Committee usually meet on a Wednesday, which means the notice has to be received by 12 noon the preceding Thursday).

To register to speak please email Democratic Services at:  
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*Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak, the 3 minutes will need to be shared, or one person may be elected by communal consent to speak for all.*

### **MINOR APPLICATIONS**

A	BH2025/00969 - 95 Marine Drive, Rottingdean - Full Planning	<b>21 - 48</b>
B	BH2025/03004 - Kearsley House, 10 Franklin Road, Portslade - Full Planning	<b>49 - 68</b>
C	BH2025/01589 - 80 Overhill Drive, Brighton - Full Planning	<b>69 - 88</b>
D	BH2025/02251 - Rockwater, Kingsway - Full Planning	<b>89 - 104</b>
E	BH2025/01474 - 62 St Georges Road, Brighton - Full Planning	<b>105 - 122</b>
F	BH2025/01860 - 120 Longhill Road, Brighton - Householder Planning Consent	<b>123 - 138</b>
G	BH2025/01026 - 40 Selhurst Road, Brighton - Householder Planning Consent	<b>139 - 156</b>

H	BH2024/03142 - 87 Hove Park Road, Hove - Householder Planning Consent	<b>157 - 170</b>
I	BH2025/03063 - 77 Braemore Road, Hove - Householder Planning Consent	<b>171 - 184</b>
J	BH2025/03024 - 2 Richmond Road - Householder Planning Consent	<b>185 - 202</b>

### **INFORMATION ITEMS**

<b>181</b>	<b>LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE</b>	<b>203 - 204</b>
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(copy attached).

<b>182</b>	<b>INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES</b>	
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None for this agenda.

<b>183</b>	<b>APPEAL DECISIONS</b>	<b>205 - 206</b>
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(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Shaun Hughes, (01273 290569, email [shaun.hughes@brighton-hove.gov.uk](mailto:shaun.hughes@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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- Do not re-enter the building until told that it is safe to do so.



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 4 FEBRUARY 2026**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Sheard, C Theobald and Pickett

**Officers in attendance:** Nicola Hurley (Head of Planning), Alison Gatherer (Lawyer), Ben Daines (Planning Team Leader), Sonia Gillam (Senior Planning Officer), Michael Tucker (Senior Planning Officer), Steven Dover (Senior Planning Officer) and Shaun Hughes (Democratic Services)

**PART ONE**

**166 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

166.1 There were none for this meeting.

**b) Declarations of interests**

166.2 Councillor Nann stated they had an interest in item C: BH2025/02297 - The Pinnacle, 8 School Road, Hove and would withdraw from the discussions, however they would be objecting to the application. Councillors Cattell and Parrott declared they were neighbouring ward councillors for item C, however, they remained of an open mind.

**c) Exclusion of the press and public**

166.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

166.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

**d) Use of mobile phones and tablets**

166.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

**167 MINUTES OF THE PREVIOUS MEETING**

167.1 **RESOLVED** – That the minutes of the meeting held on 3 December 2025 were agreed.

**168 CHAIR'S COMMUNICATIONS**

168.1 The Chair welcomed Councillor Pickett to the committee and thanked Councillor Winder for their work on the committee. The chair also confirmed that Councillor Winder would be a substitute when required.

**169 PUBLIC QUESTIONS**

169.1 There were none for this meeting.

**170 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

170.1 No site visits were requested.

**171 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

171.1 The Democratic Services officer noted that items A was a major agenda item and minor items B, C, D and F had speakers: therefore, these applications were automatically called for discussion. The committee did not call minor applications E, G and I. The applications not called for discussion were therefore agreed as per the officer recommendations set out in each report. The updated running order would be A, B, C, D, F and H.

**A BH2025/00532 - Land North of Swanborough Drive, Brighton - Full Planning**

1. The case officer introduced the application to the committee.

**Speakers**

2. Lauren O'Connor addressed the committee as resident representing other objecting residents. They stated that they were not opposed to a development on the site, however, they were concerned that there was not sufficient infrastructure for the proposed development. The residents have been involved in the consultation process since 2022 and stated that parking was a major issue. It appears that no one is listening. Swanborough Drive is a cut through and has become very congested with parked vehicles. If 56% of occupiers of the new development have one car, then 25/30 vehicles will be added to the existing parking crisis. The parking at other sites will not be sufficient. Local transport is declining, buses 1 and 21 cannot solve the parking

problems. The road is often blocked with cars having to reverse to make way for others. The committee were requested to refuse the application and then come to Swanborough Drive to see the congestion for themselves.

3. Ward Councillor Williams addressed the committee and stated that the site was owned by the council, and the development would be for the benefit of local people. There are five other blocks of flats nearby, which are to be redeveloped in the future. The parking issues in the area are understood, and this will be alleviated when the five blocks are remodelled. The proposed development will be a positive for the Whitehawk estate, and it was noted that parking came up as an issue from the consultation process. The last consultation gave positive responses. The committee were requested to approve the planning application.
4. Stephen Drybrough addressed the committee as the agent acting on behalf of the applicant, Brighton and Hove City Council and stated that the development would provide 36 affordable homes, on the site set down in the City Plan. There were 6,000 on the housing register and this development will be an opportunity for families to have a home. Following consultations the development has been shaped for the community, with a community space forming part of the proposals. The homes will be high performance with affordable heating. The scale and massing have been carefully considered in the design. The sustainable transport will include a bus stop upgraded, cycle storage, discounts for bus users, car club spaces and electric bikes outside space. The habitat loss will be compensated by sympathetic landscaping and planting. The ecological gains from the development will be in the local park. The scheme is part of the 2,000 homes over two years project. The committee were asked to approve the application.

#### Answers to Committee Members Questions

5. Councillor Cattell was informed by the agent that the development will comply with condition 10: The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'. The scheme has been designed with a fabric first approach and is compliant as designed. However, will be possible to make the development more efficient by adding solar panels.
6. Councillor Sheard was informed by the applicant that there would be one visitor parking space, undercroft parking, two additional blue badge parking spaces and car club bays as well. Also 46 cycle spaces, long stay, 12 short stay, plus 6 e-bike stands. It was noted that the access pathway to the community orchard would remain unchanged.
7. Councillor Robinson was informed by the applicant that the highways team looked at the parking stress in the area and found some commuter parking. The introduction of a parking zone would be challenging and does not form part of the scheme. The Principal Transport Development Officer stated it was considered that 20+ cars could park off road. It was likely that 45% of the residents would require parking and this equalled 16 vehicles. The development is close to the bus stop.
8. Councillor Theobald was informed by the Estate Regeneration Project Manager that all the new homes would be let to those on the housing register. The applicant stated that the accessible units would be on first and second floors, accessed via lifts. The scheme

is compliant with requirements. A hedge with tree planting will form the northern boundary with a low-level fence to the rear of the site. The Principal Transport Development Officer confirmed that buses run on average every 8 minutes.

9. Councillor Parrott was informed by the applicant that there were no communal charging points or storage area for mobility scooters.
10. Councillor Earthey was informed that by the Principal Transport Development Officer that there had been no double counting of parking spaces and there would be 16 available parking spaces.
11. Councillor Pickett was informed by the Principal Transport Development Officer that new residents would be able to get discounted bus travel from the council, and it was considered that there would be no significant impact on parking in the area. It was noted that new trees would be planted under the landscaping scheme. By condition the proposed materials for the balconies would be required to agreed.
12. Councillor Thomson was informed by the applicant that the community space was identified in the community engagement. There are other spaces, however, these are located further south on the Whitehawk estate. The proposed space will be a large hall with kitchen, which could be a café or meeting place. It was noted that the site was identified as housing allocation, even though there was a bee bank at the location. The sunlight/daylight assessment considered there would be some loss of light for three existing units in neighbouring blocks.

#### Debate

13. Councillor Theobald considered the design, with balconies and terraces, was good and the city needed affordable housing. The proposed community space was good; however, more parking spaces would have been better. The scheme was good for Brighton and Hove; therefore, the councillor supported the application.
14. Councillor Nann stated they understood the inconveniences; however, 36 units was good and any issues arising could be managed. The councillor supported the application.
15. Councillor Sheard considered that parking was an issue, however, there was a housing shortage and the city needed homes. Transport issues can be looked at, perhaps the new 1x bus could be re-routed to include the Whitehawk estate. More cycle parking would be better. The councillor supported the application.
16. Councillor Robinson considered the design to be lovely, with the nice orchard, close by greenery and much needed 36 affordable housing units. More parking for future schemes would be appreciated. The councillor supported the application.
17. Councillor Cattell stated they looked at the planning balance, the 'pros-and-cons' for the proposals. Parking for other schemes should be looked at, including when the nearby blocks are refurbished.

18. The Head of Service for Planning stated that no decisions have been taken on nearby blocks regarding their future.
19. Councillor Earthey considered the proposals ticked all the boxes and asked that all issues raised by existing residents be noted by the planning officers.
20. Councillor Pickett considered the biodiversity to be good, with reduced lighting and bee bricks. The design was great. The councillor supported the application.
21. Councillor Parrott considered the design to be great, and the scheme had been designed with disability in mind. The parking issues have been heard.
22. Councillor Thomson noted the parking issues.

#### Vote

23. A vote was held, and the committee agreed unanimously to grant planning permission.
24. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the applicant entering into a Memorandum of Understanding or a decision taken by the Cabinet/Director of Property and Finance of the council to ensure delivery of the Heads of Terms set out in the report, and also subject to the Conditions and Informatives as set out in the report.

#### **B BH2025/02499 - Longhill School, Falmer Road, Rottingdean, Brighton - Full Planning**

1. The case officer introduced the application to the committee.

#### Speakers

2. Terry Rose addressed the committee as an objecting neighbour and stated that they considered the proposals fail to comply with the National Planning Policy Framework (NPPF). The noise impact has not been assessed and therefore conflicts with policy. The acoustic assessment is not robust, and seven properties have bedrooms nearby. There is no parking or travel plan. Any overspill parking will be on the school field. The proposals will unbalance this quite area. The committee are asked to pause the application and reconsider the proposals.
3. Neighbouring Ward Councillor Allen addressed the committee in support of the application and stated that the proposals created an opportunity for Longhill School to have a pitch that would benefit not only the school but community as well. The proposed 3G pitch will be safe and reliable with less muddy fields and more use. There will be social, educational and health benefits. The committee was urged to approve.
4. Ward Councillor Fishleigh addressed the committee in objection and stated that the proposed rubber crumb was not safe to use, and the committee should refuse the application. The councillor supports grass roots sports, nature conservation and the

Living Coast. The rubber crumb was not compatible with the environment, and an alternative should be used. Like Councillor Allen, the councillor recognised the issues.

5. David Downes addressed the committee as a representative of Woodingdean Wanderers Football Club and stated that the pitch would offer not just football but a community club to belong to for 6-year-olds to seniors. The club are very proud of their large girls' team, and they champion female and disabled membership. Grass pitches are unreliable; an all-weather pitch would be better. The committee were asked to approve the application.
6. Rachele Otulakowski addressed the committee as Longhill School's headteacher and stated that they believe the heart of the community was the school and this should be a community lead decision. The 3G pitch would be good, giving opportunities for the pupils and clubs to exercise all year round and broaden the school's abilities to care for the students.

#### Answers to Committee Members Questions

7. Councillor Cattell was informed that national policy does not prevent use as risks of using rubber crumb have not been established in the UK. The agent stated that the crumb collected in the anti-toxic grill will be collected and redistributed across the field. It was noted that alternatives were available, and some were being used across the UK. However, the crumb has been banned in European Union, but not in the UK. There were mitigation measures in the design of the scheme.
8. Councillor Robinson was informed by the school manager that a lot of work had been put into noise mitigation, with signs on the pitch, netting, kick boards and reduced bookings after 7pm. The football season is August to May and lettings for later times will naturally reduce.
9. Councillor Theobald was informed that the distance to the closest house was approximately 45/50 metres and 90 metres from the centre of the pitch. Saturday will be added to condition 18: The floodlighting hereby permitted shall not be in use except between the hours of 09:00 to 21:00 Monday to Friday and 09:00 to 20:00 on Saturdays, Sundays, Bank and Public Holidays.
10. Councillor Pickett was informed by the school manager that the football foundation regulations require the school to have funds available to change the material if needed later. It was noted that new trees will be planted for muffle sound.
11. Councillor Earthey was informed by the agent that the anti-toxic grills are affective, and rain will not wash the crumb away. It was noted that not all pitches have detox boxes/grills. The case officer stated the school car park had 75 spaces and the field would only be used once or twice a year.
12. Councillor Nann was informed that the cost of alternative materials was not known and the committee needed to look at the application before them. It was noted by the school manager that the football foundation was looking at alternatives.

13. Councillor Thomson was informed by the school manager that the netting/skirting was to contain the crumb. The parents watching matches would be seated in the covered area outside the leisure centre, at the far end of the field away from residential properties. It was noted that no whistles would be used after 7pm by condition, as there would be no matches, only training sessions.
14. The head of Planning informed the committee they should only consider the application before them.

## Debate

15. Councillor Theobald considered more trees would be good. The facility was good and it was noted that there were no objections from the Parish Council, Sports England, or the South Downs National Park. The all-year-round pitch was good for the school. The councillor supported the application.
16. Councillor Robinson stated they had looked at Blatchington Mill's pitch and noted resident's objections. The mitigations methods forming part of the scheme seem good. The councillor supported the application as the area and school need it.
17. Councillor Sheard considered traffic to be an issue; however, the idea of the pitch was smashing. It was noted that there was a community need for the facility. The councillor considered the school was noisy anyway and mitigations could be made if issues arise later. The councillor supported the application.
18. Councillor Nann supported the application.
19. Councillor Parrott supported the application.
20. Councillor Cattell considered the benefits to fantastic. The councillor supported the application.
21. Councillor Earthey was torn as they agreed with the idea but not the toxicity of the rubber crumb.
22. Councillor Pickett was torn as they considered the proposals to be a good scheme, however, the crumb was an issue.
23. Councillor Thomson considered the scheme to be good and supported the application.

## Vote

24. A vote was held and by 7 to 2 the committee agreed to grant planning permission.
25. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the applicant entering into a Memorandum of Understanding or a decision taken by the Cabinet/Director of Property and Finance of the council to ensure delivery of the Head of Term set out in the report, and also subject to the Conditions and Informatives as set out in the report.

**C BH2025/02297 - The Pinnacle (formerly Rayford House), 8 School Road, Hove - Removal or Variation of Condition**

1. The case officer introduced the application to the committee.

## Speakers

2. Ward Councillor Nann addressed the committee and stated that they represented objecting local residents. The proposals would represent a significant loss of amenity. The removal of access points is not good for the community. The pathways lead to close by schools, the train station and buses. Anti-social behaviour is a matter for the police. The applicants are requested to not block the access, and the committee are asked to refuse the application.
3. Neil Bernard addressed the committee as the applicant and stated that the Pinnacle Freehold was created to restrict access to residents of the flats. Access should only be for Pinnacle residents and not for others. The application is for the removal of an access point and the installation of a controlled gate. The access point currently gives straight onto a highway, which is considered dangerous. The application would reduce highway safety concerns. The application is to reduce access and thereby reduce crime. The committee were requested to support the application.

## Answers to Committee Member Questions

4. Councillor Cattell was informed by the agent that the gates should have been added, however, the original scheme was not completed at the time Pinnacle Freehold took over. It was confirmed that there was provision for 40 cycles, however, they were not used. There has been low level anti-social behaviour, however, this has not been reported to the police. The access leading straight onto a road was considered a Health & Safety issue by the applicant.
5. Councillor Pickett was informed that the pedestrian access will be restricted to pedestrians only.
6. Councillor Sheard was informed by the Head of Planning that the application was for the installation of a gate and blocking an access.
7. Councillor Parrott was informed by the agent that all the residents of the flats would be able to use the gate.
8. Councillor Thomson was informed by the legal officer that the existing condition permitted the 4 units to use the gate, however, this application proposes that access would be for all the flats.

## Debate

9. Councillor Robinson considered that a big detour would be created for residents by the proposals, however it can't be helped, the gate is acceptable. The councillor supported the application.

10. Councillor Sheard considered the detour for residents a shame. The anti-social behaviour and crime are not good, however, there was no planning reason to refuse the application.
11. Councillor Parrott considered the neighbourhood to be close-knit and a good environment, however, there was no planning reason to refuse the application, and they reluctantly supported the proposals.
12. Councillor Earthey considered there was no planning reason to refuse the application.
13. Councillor Theobald stated they were torn and were sad for the local residents who would have to walk around, however, they considered there was no option but to grant permission.
14. Councillor Cattell considered there was no need for the application. Young families will need to walk a long way round. The councillor was against the application.
15. Councillor Thomson considered it would be safer to allow more people to pass through the area.

Vote

16. A vote was held, and by 6 to 1, with 1 abstention, the committee agreed to grant planning permission. (Councillor Nann took no part in the decision-making process or vote)
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**D BH2025/02344 - 89 Holland Road, Hove - Removal or Variation of Condition**

1. The case officer introduced the application to the committee.

Speakers

2. Ward Councillor O'Quinn stated they were speaking on behalf of local residents, and they considered 38% increase in bulk and massing was not modest. Objections relate to noise, from students and parents, littering and parking. The level of noise is considered excessive. Complaints have been made, but to no avail. Significant issues arise at drop off and pick up times, with major congestion. Hove junior school is nearby and that has a knock-on effect. It is considered that the proposals will add 34 extra parents.
3. Zac Denton addressed the committee as the agent and stated that the nursery has been extended, and the space is already available. It was noted that Ofsted find the increase from 51 to 70 acceptable. There is a demand for more spaces in this city centre location. The woodland play area is good, and this is a sustainable location. The proposals agree with policies CP9 and CP18. The committee were requested to support local businesses and agree the application.

4. The Head of Planning stated that the more than 51 may well currently go to the nursery and the restriction to 51 was at any one time.

#### Answers to Committee Member Questions

5. Councillor Parrott was informed by the agent that there is a travel plan in place, 88% of parents used sustainable transport, and the traffic levels would be low level. It was noted that the management plan included staggered drop off and pick up times.
6. Councillor Pickett was informed by the agent that Ofsted had assessed the nursery and found 70 pupils acceptable.
7. Councillor Robinson was informed that the management plan would cover smells, noise, and any other neighbour's issues.
8. Councillor Sheard was informed that the transport team have no objections and the capacity of the building was not a planning issue.

#### Debate

9. Councillor Sheard considered that if the transport team were content, then they would be also. The small building was a concern, however, there was no reason to refuse the application.
10. Councillor Robinson considered the applicant had listened to the case officer and there was a need for nursery places in the city. There was no reason to refuse the application, therefore, the councillor supported the application.
11. Councillor Nann considered that 70 pupils will make as much noise as 51. The councillor supported the application.
12. Councillor Parrott considered the noise created by parents on drop-offs and pick-ups, was an issue and asked that they be considerate to neighbours.
13. Councillor Pickett requested that 70 be the limit.
14. Councillor Earthey considered the applicant should be a good neighbour.
15. Councillor Thomson requested the applicant be nice to neighbours and should try not to have an adverse impact.

#### Vote

16. A vote was held, and the committee unanimously agreed to grant planning permission. (Councillor Theobald took no part in the decision-making process or the vote).
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**E BH2025/02379 - 297 Cowley, Brighton - Full Planning**

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

**F BH2025/01886 - 21 Chailey Avenue, Rottingdean - Householder Planning Consent**

1. The case officer introduced the application to the committee.

## Speakers

2. Nigel Smith addressed the committee on behalf of objecting residents and stated that they considered the proposals to be an overdevelopment, transforming this modest cottage. The proposals increase the width, depth and height of the property giving an overbearing and terraced appearance. The development fails the Rottingdean Neighbourhood Plan, particularly policies S1 and H2. It also fails City Plan Part 2 policies DM18, DM21 and SPD12. The extensions are not subordinate. The impact on neighbour's amenities would be severe, with extensive overlooking. There is an intensity of development on the plot when viewed with the existing large self-contained dwelling in the rear garden. Flooding issues in the area make the expansion of hard surfacing troubling. The proposals undermine the Neighbourhood Plan and fail on design, scale, neighbouring amenities and local character. The committee were requested to refuse the application.
3. Robert Stevens addressed the committee as the applicant and stated that they owner of 21 Chailey Avenue and were appearing at committee following a lobbying of Rottingdean Parish Council by local residents. The applicant had acknowledged neighbours' concerns and made alterations. The proposals were to maintain the unique style of the property and the design was to create a well-balanced home, more in line with the neighbouring properties. The design is appropriate, with no overlooking, loss of light or loss of amenities for neighbours. The scheme is sustainable and worth supporting. The committee were requested to approve the application.

## Answers to Committee Members Questions

4. Councillor Pickett was informed that the existing garage was to be retained and the height would be the same as the neighbouring properties.
5. Councillor Thomson was informed that with regards to flooding, the hardstanding already exists, the garden area is not part of the application and there is no loss of light to neighbouring properties. The application has been amended with the reduction of the upper balcony, side windows and the insertion of obscure glazing to prevent overlooking.
6. Councillor Earthey was informed that the gaps between properties were acceptable.
7. Councillor Robinson was informed that the garage was linked to the neighbouring garage.

8. Councillor Sheard was informed that the bulk of the proposals was not considered to be out of character for the area.

Debate

9. Councillor Cattell considered that every house was different in the area and the gaps between are also different. It was not clear why the Parish Council objected. The councillor supported the application.
10. Councillor Nann was unable to see the objections and supported the application.
11. Councillor Pickett noted the large garden and there was not much overlooking, and plenty of space in the area. The councillor supported the application.
12. Councillor Parrott was unable to see the objections, and they considered the proposals were not too close to the plot boundary, and there was no impact on the South Downs National Park. The councillor supported the application.
13. Councillor Sheard noted the house was small and in a unique road, and understood that sudden changes can be shocking, however, areas do change. The councillor supported the application.
14. Councillor Robinson supported the application.
15. Councillor Thomson supported the application.

Vote

16. A vote was held, and the committee agreed unanimously to grant planning permission. (Councillor Theobald took no part in the decision-making or vote)
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**G BH2025/02255 - Basement Flat, 99 Buckingham Road, Brighton - Full Planning**

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

**H BH2025/02114 - 3 Ridgewood Avenue, Saltdean - Householder Planning Consent**

1. The case officer introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Parrott was informed that the dwelling would be one property with a roof dormer. Planning permission would be required to divide the house into two dwellings.

3. Councillor Pickett was informed that the trees to the rear formed part of the protection plan which would be submitted by condition. It was noted that a Tree Preservation Order (TPO) was not needed.
4. The Head of Planning stated that the trees would be protected by condition but not by a TPO or were worthy of TPO protection.
5. Councillor Robinson was informed that the property was considered comparable to others in the area, the land is overlooked by neighbours and boundary fencing will be erected without the need for planning permission. The proposals are not considered to have a significant impact on the neighbouring properties.
6. Councillor Earthey was informed that the neighbouring property at no.91 was refused planning permission but allowed at appeal.

Debate

7. Councillor Earthey declared the property was in their ward and noted that the dwelling was in a decrepit state. A refurbishment of the dwelling was better than leaving the house to decay. The councillor supported the application.
8. Councillor Sheard noted the plot was overgrown and has not been used to its full potential. The councillor considered the proposals should be built.
9. Councillor Robinson considered it was better to convert the dwelling into a good home.
10. Councillor Cattell considered the property a sad little house and the proposals are good. The dwelling, at the end of the road, needs converting. The councillor supported the application.
11. Councillor Pickett liked the house and noted the proximity of the neighbours; however, the plans are very good. The councillor supported the application.
12. Councillor Thomson supported the application.

Vote

13. A vote was held, and the committee agreed unanimously to grant planning permission.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**I BH2025/02302 - 48B Ventnor Villas, Hove - Full Planning**

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

**172 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

172.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

**173 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

173.1 There were no informal hearings and public inquiries attached to the agenda.

**174 APPEAL DECISIONS**

174.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of

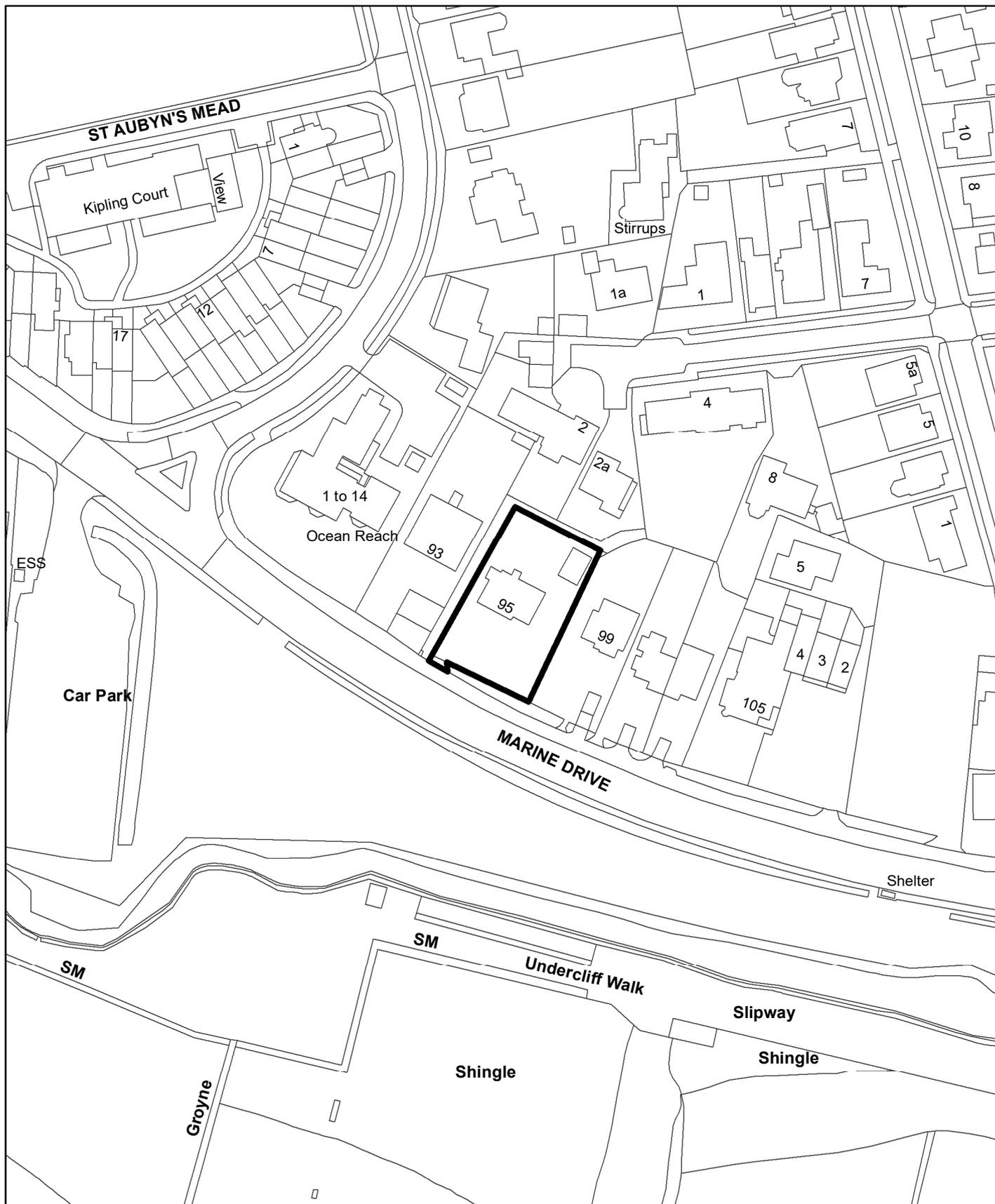
# **ITEM A**

**95 Marine Drive, Rottingdean  
BH2024/00969  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2024 00969 - 95 Marine Drive, Rottingdean



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/00969</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>95 Marine Drive Rottingdean Brighton BN2 7GE</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of building with 9no flats (C3) with lower ground floor parking and associated works.</b>		
<b><u>Officer:</u></b>	Chris Swain tel: 01273 296744	<b><u>Valid Date:</u></b>	05.06.2024
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	31.07.2024
		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Fortitudo (Marine Drive) Limited 153 Commercial Road Poole BH14 0JD		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a **s106 agreement** on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed or significantly advanced, on or before the **6 May 2026** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of this report:

### **Section 106 Head of Terms:**

#### **Affordable housing:**

- Viability Review mechanism

#### **Conditions:**

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	101	J	05-Feb-25
Proposed Drawing	201	K	05-Feb-25
Location and block plan	000	J	05-Feb-25
Proposed Drawing	202	K	05-Feb-25
Report/Statement	BNG METRIC		29-May-25

Report/Statement	BNG ASSESSMENT		29-May-25
Report/Statement	PEA		29-May-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples/details of all hard surfacing materials
  - d) samples/details of the proposed window, door and balcony treatments
  - e) samples/details of all other materials to be used externally
Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
  
4. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.
  
5. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
  
6. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

7. Prior to occupation, the vehicle parking area(s), including the disabled bay, as shown on the approved plans shall be fully implemented. They shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
8. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
9. Access to the flat roof over the first-floor accommodation hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
10. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
11. The Biodiversity Gain Plan shall be prepared in accordance with the BNG Assessment prepared by Ecosupport, May 2024, and a full Statutory Metric by prepared by Katalin Balazs dated 17/04/24.  
**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) detailing measures to protect Brighton to Newhaven Cliffs Site of

Special Scientific Interest and safeguards for badgers and breeding birds has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved biodiversity CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

**Reason:** To ensure that any adverse environmental impacts of development activities are mitigated in accordance with policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

13. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide at least 10% biodiversity net gain (BNG), broadly in accordance with the details provided in the BNG Assessment (Ecosupport, May 2024) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the National

Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** To ensure the long-term management of habitats, species and other biodiversity features in accordance with policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

15. No development above ground floor slab level shall take place until details of at least eighteen swift bricks/boxes, nine bee bricks and six bat boxes, including number, type and location, has been submitted to and approved in writing by the local planning authority. The bricks should be integrated into the fabric of the building where possible, and should be retained in that manner thereafter.

**Reason:** To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.

16. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

17. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

18. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

19. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

20. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

21. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 101J received on 4th November 2025. The internal layouts shall be retained as first implemented thereafter.

**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun [and before each phase of development where development is phased]

because none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition") that development may not begin unless:

- i) A Biodiversity Gain Plan has been submitted to the planning authority, and
- ii) The planning authority has approved the plan.

The planning authority is Brighton & Hove City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found in the legislation.

5. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify the following matters:
  - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
  - ii) The pre-development biodiversity value of the onsite habitat,
  - iii) The post-development biodiversity value of the onsite habitat,
  - iv) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
  - v) Any biodiversity credits purchased for the development.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

## **2. SITE LOCATION**

- 2.1. The application relates to a detached house on a wide plot on the northern side of Marine Drive (coastal road) set back from the road. The property presents as a single storey dwelling from the front and two storey at the rear. The property sits elevated behind a distinctive coarse pebble-dash front boundary wall. There is a detached pitched roof garage in the north eastern corner of the site.
- 2.2. Marine Drive is the main coastal road connecting Rottingdean and Saltdean running along the seafront. This section of Marine Drive is characterised by a mixture of residential properties ranging from low-level blocks of flats, bungalows and two and three storey detached houses. A variety of architectural styles are evident including traditional, art deco and more contemporary forms. There are also examples of recent flatted development in the area.
- 2.3. Land levels rise from the south to north with the properties set back and elevated over the highway. There is also a rise in levels from east to west. Despite the variation in building type and style, there is some consistency to development in the area derived from a strong building line and rooflines stepping up to respect the level changes from east to west.

- 2.4. The site is not located within a Conservation Area and does not lie adjacent or in close proximity to any listed buildings which would be affected by the development.

### 3. RELEVANT HISTORY

- 3.1. **PRE2023/00131** Demolition of existing buildings and construction of new apartment building comprising 9 dwellings, with associated parking. Preapplication advice issued 13.9.2023.

### 4. RELEVANT HISTORY AT OTHER SITES

#### 99 Marine Drive

- 4.1. **BH2017/02928** Demolition of existing building and erection of 3 storey building comprising of 4no self-contained flats with associated parking and storage. Approved 11.12.2017.

### 5. APPLICATION DESCRIPTION

- 5.1. The application proposes to demolish the existing house and out-building and erect a four-storey block comprising of nine (9) residential flats (consisting of 7 x 2 bedroom and 2 x 2 bedroom flats).
- 5.2. The building would be constructed in a mix of brick and composite cladding with aluminium windows and would otherwise have an overall modern appearance. Parking is proposed at lower ground floor level and would provide partially subterranean car parking facilities with the provision of 9 vehicle parking spaces overall and one disabled parking space. Cycle and refuse storage are proposed to the front of the site.
- 5.3. Amended plans were received during the course of the application process to address concerns over the design and prominence of the building. The amended drawings have reduced the depth of the front balconies. Further amendments were then made to reduce the height of the development by approximately 1 metre. This has been achieved by a small reduction in the floor to ceiling heights and by setting the building slightly lower into the ground.

### 6. REPRESENTATIONS

- 6.1. **Six (6)** representations have been received **objecting** to the proposal for the following reasons:
- Loss of view
  - Overshadowing and loss of light
  - Loss of privacy and overlooking
  - Noise
  - Poor design / inappropriate height

- Impact on Conservation Area
- Too close to the boundary
- Impact on property value
- Unviable / no affordable housing
- Overbearing / overdevelopment
- Access and Traffic considerations
- Impact on property value
- Lack of car parking / no disabled parking or EV charging
- Impact on ecology not fully considered
- No Landscaping Plan
- Lack of detail in respect of sustainable building
- No information in regard to Sustainable Urban Drainage

6.2. **Rottingdean Parish Council** objects to the development for the following reasons:

- Out of Scale / overdevelopment of the site
- Poor design
- Out of character with the surrounding area
- Loss of light / overshadowing
- Loss of privacy
- Excessive footprint and height
- Impact on wildlife and biodiversity
- Contrary to policies within the Rottingdean Neighbourhood Plan

6.3. **Councillor Bridget Fishleigh** has objected to the development and copy of this representation is appended to the report.

6.4. Full details of all representations are publicly available on the planning register.

## 7. CONSULTATIONS

Internal:

7.1. **Ecologist** No objection

7.2. **Private Sector Housing** No comments to make

7.3. **Sustainable Drainage Strategy** Comment

The development indicates Sustainable Urban Drainage Strategy would be used however no information has been supplied. Further information is required in respect of, a foul water drainage strategy, Agreement, in principle, with Southern Water, for foul water discharge, A surface water drainage strategy, and supporting information. This information may be controlled by planning conditions.

7.4. **Transport Planning** No objection  
External

7.5. **Natural England** No objection

- 7.6. **Southern Water Comment**  
Development would be over a public apparatus and may require diversion. Further information required regarding sustainable urban drainage (SUDS).
- 7.7. **Viability Comment**  
The proposal has been independently assessed and could not viably support any level of affordable housing.
- 7.8. Full details of all consultee comments are publicly available on the planning register.

**8. MATERIAL CONSIDERATIONS**

- 8.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 8.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013 updates October 2024);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017 );
  - Shoreham Harbour JAAP (adopted October 2019)
  - Rottingdean Neighbourhood Plan (made March 2024)

**9. RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places

DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Rottingdean Neighbourhood Plan

S1	The Plan's Spatial Framework
H1	Balancing the Housing Mix
H2	Design

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding streetscene, impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

### **Principle of the Development**

- 10.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 10.3. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 10.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 10.5. The proposal would result in a net gain of eight new dwellings. Increased weight is given to housing delivery as the council is currently unable to demonstrate a five-year housing land supply.
- 10.6. City Plan policies do not specify a required housing mix, however Policy CP19 of the Brighton and Hove City Plan Part One states that developments will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 10.7. The Rottingdean Neighbourhood Plan (NP) seeks to balance the housing mix by encouraging a specific proportion of dwelling types in new developments of five or more homes. The goal is to provide a mix of housing that meets a range of needs, from one-bedroom flats to family units. Housing mix policy H1 specifies the following.
- 10% one-bedroom properties
  - 35% two-bedroom properties
  - 35% three-bedroom properties
  - 20% four or more-bedroom properties
- 10.8. The development seeks consent for 9 flats: 7 two-bed flats (78%) and 2 3-bed flats (22%). The development does not deliver the one bed and 4 bed units as sought by Policy H1. However, the mix of units does allow for smaller occupation as well as units suitable for small families. Whilst overall, the proposal contains a relatively modest number of larger, 3 or 4+ bedroom units, it is acknowledged that that the nature of flatted developments do not lend themselves as well to larger, family sized units as would a more standard scheme for regular housing. It is also understood that a higher number of larger units will inevitably erode the viability of the scheme and ultimately reduce the deliverability of the scheme. Given that the scheme is already struggling in terms of viability and having regard to immediate local surroundings, the proposed housing mix for this development is considered broadly acceptable, in accordance with policy CP18.

#### **Affordable Housing Considerations**

- 10.9. Policy CP20 of the Brighton & Hove City Plan Part One requires a provision of 20% onsite affordable housing on sites of 5-9 dwellings. The applicant has provided a viability assessment which concludes affordable housing would be unviable for the site. An independent assessment of the scheme in terms of viability has been undertaken. Whilst not all of the valuation figures put forward by the applicant were agreed upon, the independent review did conclude that applicant's approach to the viability assessment was overall sound. The independent assessment commissioned by the LPA also concludes the development would be unviable with affordable housing delivered, or with a financial contribution towards affordable housing in the city. In this instance therefore it is acceptable to consider the redevelopment of the site without an affordable housing provision.
- 10.10. Given the scheme is some distance from being able to viably support an affordable housing contribution, the latest revisions to reduce the height of the

scheme and introduce greater excavation are not considered to be of the magnitude which would result in such changes to viability which would enable an affordable housing contribution to be feasibly provided.

- 10.11. Whilst it is disappointing that the proposal is not providing any affordable housing, a s106 legal agreement would be required should planning permission be granted with an obligation for a late-stage review of the financial viability of the scheme. The review mechanism would be able to reassess the viability of the scheme at a later date when actual costs and sales figures are known to test whether there would be a development surplus which could go towards affordable housing provision in the city. Subject to this review mechanism the non-provision of affordable housing in this instance is considered to be acceptable.

### **Design and Appearance**

- 10.12. The existing dwelling house is a single storey bungalow with an attached pitched roof garage, likely dating from the 1950s. Due to its height and set back from the road it makes a very modest contribution to the street scene. The existing building is flanked by larger more modern development either side of the site. The development of the adjacent plots further reduces the visual presence of the existing house in the street scene. There is no objection to the demolition of the existing building which is noted to be of limited architectural quality, and it is acknowledged there is an opportunity to make more efficient use of the land through redevelopment.
- 10.13. The proposed building would be 4 storeys in height with a lower ground floor entrance and car parking spaces to the front. To the rear of the plan form would be the central staircase and elevator run. The upper floors would have outlook to the front and rear.
- 10.14. The resultant building would be higher than the existing building on site. However, it would accord with Paragraph 125(e) of the Framework which gives general support to the use of extending upwards above existing properties as an efficient use of land. Policy DM18 of the Brighton and Hove City Plan Part Two advises that what matters is not so much the absolute size of a new building or development, but its size relative to its surroundings, and how apparent the scale of a building or development would be.
- 10.15. The building would appear as an expansive block, however there would be a central section of the building projecting forward which would give some articulation to the front elevation and adds a degree of visual interest in design terms which is welcome. This element would also echo some features of the more modern development in the immediate vicinity of the site. In addition, the angled roof line to this element of the design adds a further point of difference and visual interest.
- 10.16. Revisions to the scheme have reduced the overall height of the scheme by approximately 1m in comparison to the originally submitted scheme. The overall height is considered appropriate for its setting and importantly, the height of the

roof of the development would maintain the stepped heights of the properties within the locality which rise with the natural ground levels east to west.

- 10.17. The amended plans received have also reduced the depth to the front balconies of the block to ensure these features do not contribute to an overdeveloped appearance to the front elevation of the property. The reduced depth also ensures that the building line of the development would respect that of the neighbouring properties giving the new building a strong and established reference within the local street scene. Accordingly, despite the marked increase in building bulk when viewed from the street, the development would not appear as an unduly incongruous form of development in the Marine Drive street scene.
- 10.18. Although the proposed building is wider than the existing dwelling, it would maintain a 1m gap to each side boundary, thereby retaining some spacing within the streetscene. In regard to the width of the building, this degree of site coverage to the side boundaries would appear expansive. The top floor of the block would, however, be set in slightly to provide some relief in the bulk of the upper floor. Notwithstanding this, when the width is viewed in combination with the height, the block of flats would be seen as a substantial scale, and towards the limits of acceptability. However, elements of the design are otherwise well considered with the height, form and building line respecting the character of the area, the resulting block would not be a harmful addition to the street scene or wider area. Given that some excavation would be required, it is considered that a levels condition, also showing spot heights to neighbouring properties, would be necessary to ensure the visual scale is delivered as represented in the application drawings.
- 10.19. In regard to materials the submitted drawings and information in the application show a combination of brick work and cladding is proposed for the elevations in a pale / neutral colour pallet. The full details of the materials have not been specified at this stage, but this general approach is considered to be acceptable. The proposed contemporary appearance and materials are considered appropriate in this setting and reflect the modern appearance of other near-by properties such as 93, 99 and 107 Marine Drive. Full details are recommended to be secured by condition.
- 10.20. The front boundary of the site and general landscaping of the front curtilage is considered important to deliver the success of the design overall. The proposed site location plan shows the existing pebble and render wall outside the red line of the application site. This is shown retained but modified. Given the level changes from the highway, a retaining wall behind this feature would be required. Full details of hard and soft landscaping details are recommended to be secured by condition.
- 10.21. Overall, it is recognised that the proposal has sought to maximise the quantum of development on site. The building would appear relatively large and expansive, even when compared to the other recent development on this section of Marine Drive. Nevertheless, both the height and building lines are considered acceptable in this case and the modern design appropriate and would not appear out of character in it's setting. On balance therefore, the redevelopment of the

site as proposed can be supported on design grounds. Given the importance of the provision of much needed housing, any harm to the appearance and character of the site and surrounding area would not be so significant to outweigh these clear public benefits.

### **Standard of Accommodation**

- 10.22. Policy DM20 of the Brighton and Hove City Plan Part Two seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for dwellings. The schedule of accommodation is as follows:

#### Ground Floor

- Unit 1 - 3 bedrooms, 85.9 square metres.
- Unit 2 - 2 bedrooms, 4-person 85.3 square metres
- Unit 3 - 3 bedrooms 85.9 square metres.

#### First Floor

- Unit 4 - 2 bedrooms 85.9 square metres
- Unit 5 - 2 bedrooms 85.3 square metres
- Unit 6 - 2 bedrooms 85.9 square metres

#### Second Floor

- Unit 7 - 2 bedrooms 71.3 square metres
- Unit 8 - 2 bedrooms 71.3 square metres
- Unit 9 - 2 bedrooms 71.3 square metres

- 10.23. The sizes and layouts of the accommodation show clear a majority have compliance with the NDSS with the exception of the 3 bed units on the ground floor. These units are not 4 person units as specified, but 5 person units, due to bedroom 2 being of a size to support double occupation. The NDSS for a 3 bed, 5 person unit is 86sqm. The accommodation schedule in the application lists these units as 85.9sqm. So, the 3 bed units are technically falling below the NDSS. That said, a 0.1sqm margin of error is considered to be within reasonable tolerances and no other concerns are raised in this respect.
- 10.24. The general layout of the flats would provide an overall good standard of accommodation. Natural light, ventilation, and outlooks can be achieved to all significant rooms in the flats with the internal proposed layout otherwise appearing practical and well-considered.
- 10.25. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. All flats would have a small south facing balcony or terrace. There would be a sizeable area to the rear of the building which, it is assumed, would be communal amenity space for the occupiers. Given the constraints of the site, the amount and quality of the amenity space offered for future residents is considered acceptable in this instance.

10.26. Overall, the proposed development, would deliver an acceptable standard of accommodation, which would comply with policies DM1 and DM20 of the Brighton and Hove City Plan Part Two and the core planning principles of the NPPF.

**Impact on Amenity**

10.27. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

10.28. Revisions have been sought during the life of the application to reduce the overall height of the building.

10.29. Notwithstanding these revisions, the proposed development would still result in a significant increase in height and bulk compared to the existing house on site. The works would have a demonstrable impact on the occupiers of 2 and 2a Lenham Road West which are modest family dwellings to the rear (north) of the site.

10.30. The proposed rear building line of the new block would allow for back- to-back separation distances of approximately 17 metres for 2a Lenham Road West and 21 metres for 2 Lenham Road West. This separation is considered sufficient to mitigate some of the impact of the taller re-development. The amended plans received during the course of the consideration process has resulted in a reduction in the height of the proposed building, and this in turn also results in an improved relationship between the development and the properties to the rear.

10.31. It should be noted that the existing occupiers at the rear of the site would experience a much more developed outlook to the rear and some degree of enclosure from the bulk, form and massing of the new development. This would present as a significant change given the open outlook which is afforded over the site at present and towards the sea. However, loss of view is not a material consideration for the determination of the application. It is also noted that rear planting along the boundary is proposed as part of the application and the properties of Lenham Road West sit on higher ground than the application site. Given the separation distances, proposed planting and land levels the extent of the harm to the occupiers to the rear is considered to be not so significant as to warrant refusal of the application.

10.32. In regard to privacy, none of the new units would have a principal outlook to the rear. Living spaces in the new flats have been designed to maximise the sea-front location with open aspect to the south. Nevertheless, a significant number of windows on the rear elevation are proposed. The occupiers to the rear would experience a perception of increased overlooking from the development. The proposed rear windows would serve bedrooms in the development. Notably there are no balconies on the rear elevation and therefore prolonged overlooking

would be avoided. Together with the proposed planting and land levels the majority of the built form would be acceptably mitigated in view from the rear with the exception of the upper most storey. With the top floor of the building set back from the main rear elevation, a flat roof condition would be required to ensure access to the space is restricted to maintenance only. The separation distances between the rear elevation of the new apartment block and the rear elevation of the neighbouring properties at the rear of the site would be sufficient to prevent any actual loss of privacy to rooms in these properties. Side windows in the development would face on to side elevations of the neighbouring properties in Marine Drive but would not cause a significant loss of privacy.

- 10.33. The development would deliver a building taller and bulkier than the existing property on site and as such it would result in some loss of light and overshadowing to neighbouring properties. This impact would primarily be to the two adjoining properties to the north, at the rear of the proposal. Any overshadowing would though largely just impact the garden spaces and not significantly overshadow or cause a loss of light to the rear windows of these properties. Given the separation distances to the properties at the rear and land levels, it is not considered that the impact would be significant in terms of loss of light. The two adjoining properties that directly flank the side elevations of the proposal (93 and 97 Marine Drive) have their primary windows site to the front and back facades and overall, the development would not result any significant loss of light to these properties. The depth and siting of the proposed development is not dissimilar from these two adjoining properties and overall, there would not be any significant overshadowing to the gardens of these properties.
- 10.34. Overall, the combination of the scale of the development and the positioning of a number of windows on the rear elevation would undoubtedly create some impact for adjacent occupiers in Lenham Road West. The significance of this impact is noted, however on balance the impact on the amenity of these properties is not considered so significant to justify refusal of the application on amenity grounds subject to the recommended conditions.
- 10.35. In terms of the impact on the residential amenity of occupiers on either side of the development site, the increase in the bulk, form and massing of the property relative to the existing house on site would enclose any side facing windows on neighbouring properties. This would also restrict the levels of light into the side windows on the neighbouring properties. Nevertheless, windows on the side elevations of the neighbouring properties are not likely to serve principal rooms within these developments and therefore the impact on these windows would not be so great as to warrant refusal of the application.
- 10.36. In regards to potential for noise and disturbance, the increase in the number of residential units on site and the subsequent increase in number of occupants would involve some increase in noise levels and general activity arising from the site. This would not however be out of character with the other residential uses which adjoin the application site and is overall considered to be acceptable in this location where other flatted developments exist adjacent to the busy coastal road.

- 10.37. Noise and disturbance through construction is not a material planning consideration for this development.
- 10.38. Overall, whilst acknowledging that the development would impact neighbouring occupiers to a degree, it is considered on-balance that, subject to the recommended conditions the impacts would not be so significant to warrant refusal given the clear public benefits of the redevelopment of the site for additional housing.

### **Sustainable Transport**

- 10.39. There would be no change to the public highway access from the proposed development which would re-use the existing crossover.
- 10.40. Given the marked increase in the number of units being proposed for the site the development is likely to increase the number of trip generations to the site however not to an extent which would cause a capacity issue on the local highway. The Sustainable Transport Team have been consulted on the application and have not raised an objection.
- 10.41. In regard to car parking provision, SPD14 operates maximum parking standards for the city. The applicant is proposing 9 car parking spaces in the lower ground floor, and 3 spaces in the front curtilage of the property. One of these would be a disabled space. This is in accordance with the maximum parking standards set out in SPD 14 and is considered acceptable. Electric Vehicle car charging points would be required to satisfy building regulations.
- 10.42. In regard to cycle parking the applicant is proposing 12 cycle parking spaces on a shared cycle store at the front of the site. The amount and the location of this cycle store is considered to be acceptable. To be in accordance with Policy DM33 of the Brighton and Hove City Plan Part Two cycle parking wherever possible must be universally accessible, undercover secure and well lit and as close to the main entrance as possible. Further details of the cycle storage are recommended to be secured via condition.
- 10.43. Marine Drive is a classified road, and given its significance in the local highway network, the Sustainable Transport Team have requested a Construction Environmental Management Plan (CEMP) which will help to ensure that disruption to the highway network is minimised during the course of the construction process.

### **Sustainability**

- 10.44. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities.
- 10.45. The development does not incorporate sustainable energy technologies which, whilst regrettable, is not a policy requirement for minor development. Policy DM44 of the Brighton and Hove City Plan Part Two requires new build residential to achieve a minimum energy Performance Certificate EPC rating 'B'. This is

proposed to be secured by condition. Water efficiency is also recommended to be secured by condition also.

- 10.46. The development would be required to use a sustainable drainage strategy and this is recommended to be submitted for approval by way of a pre-commencement condition.
- 10.47. A refuse and recycling storage facility is shown the front curtilage of the property which is considered sufficient and acceptable for the development proposed.

#### **Ecology and Biodiversity**

- 10.48. The site is in close proximity to the Newhaven cliffs site of Special Scientific Interest (SSSI) which lies 15 metres to the South across the A259. As the proposed development lies within the impact risk zone of the SSSI and the proposed development could impact this area during construction, Natural England were consulted on the application they raised no objection to the development. The County Ecologist has stated that appropriate safeguards could be secured through the Construction Environmental Management Plan for biodiversity (CEMP) and given the proximity of the main road and the inaccessibility of the SSSI, significant impacts on this area are not envisaged in this instance.
- 10.49. The Preliminary Ecological Appraisal (PEA) which assessed the site found moderate bat roost potential. Emergent surveys were subsequently carried out in accordance with best practise, and no bats were recorded emerging from the main dwelling or the garage, and bat activity generally was low. It was recommended that any external lighting should take in accordance with best practice for ecology.
- 10.50. In regards to Biodiversity Net Gain (BNG), the existing site provides very little on-site habitat. The development seeks to provide statutory BNG on site and the County Ecologist is in agreement with the general approach taken for the site. They have also indicated that monitoring of BNG management is not required for this development due to the fact gains will come from modified grassland, trees and hedgerows. A Landscape Management Plan should be monitored for 5 years and this can be secured by condition.
- 10.51. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees and swifts. It is recommended in the PEA (Preliminary Ecological Assessment) to provide 9 bee bricks which is supported. The PEA specifies 6 swift bricks, but this would need to be increased to 18 to be in accordance with SPD 11 and this is recommended to be secured by condition.
- 10.52. Overall, the proposed development would improve biodiversity and habitat opportunities for the site in accordance with National and Local Planning Policy subject to the recommended conditions.

#### **Other Matters Raised in Representations**

- 10.53. Loss of view is not a material planning consideration for this minor application, however the impact on outlook has been fully considered above. Loss of property value is not a material consideration for this application.
- 10.54. The development does not lie within a designated conservation area however the proposal has been fully assessed in terms of its design and appearance and its impact on the local street scene.

## **11. CONCLUSION**

- 11.1. The development is considered to be, on balance, acceptable in terms of the design and scale, and in regards to it's impact on occupiers to the rear of the site. Whilst the development would have a strong visual impact, and some impact on neighbouring amenity, neither of these aspects are considered so harmful to justify refusal of the application in this case. Furthermore, any harm much be weighed against the public benefits of the provision of the net gain of 8 residential units, all providing a good quality level of accommodation for future occupiers. Given the City's significant housing shortfall and the engagement of paragraph 11 of the NPPF, the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits of the scheme overall.
- 11.2. The development would deliver much needed housing and planning conditions are recommended to ensure environmental sustainability and to deliver the improvements to biodiversity and habitat potential.

## **12. BIODIVERSITY NET GAIN**

- 12.1. Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

## **13. EQUALITIES**

- 13.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 13.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and

determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

- 13.3. Access to the site is steeply sloped from the highway. Level access can be achieved from the car parking area and all floors accessible from the elevator.

#### **14. COMMUNITY INFRASTRUCTURE LEVY**

- 14.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

#### **15. S106 AGREEMENT**

- 15.1. In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:

##### Review mechanism:

1. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to review the viability of the scheme at a later date to establish whether 40% affordable housing can be provided within it, and to reassess if changes to costs and values would allow for an affordable housing contribution to be provided, contrary to policies SS1, CP1, CP7, CP19, CP20 of the Brighton and Hove City Plan Part One, DM1 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.



## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Bridget Fishleigh**  
**BH2024/00969 – 95 Marine Drive, Rottingdean**

#### **24<sup>th</sup> June 2024:**

I am writing to request that if officers recommend to grant this application that it comes to committee for a decision.

The MRPs are:

- Overlooking/loss of privacy
- Loss of light or overshadowing
- No affordable housing contrary to CPP2

I find it quite peculiar that the viability assessment posted online to accompany this application has the word draft on many of the pages. Regardless this assessment concludes that:

*"The development is not financially viable" and that "The 100% private tenure housing generates a small deficit of -£293,993 whilst the (affordable housing) policy compliant scheme, of 2 units, also provides a larger deficit of -£436,875".*

I hope that the planning department will save the developer from a costly mistake by refusing this application.



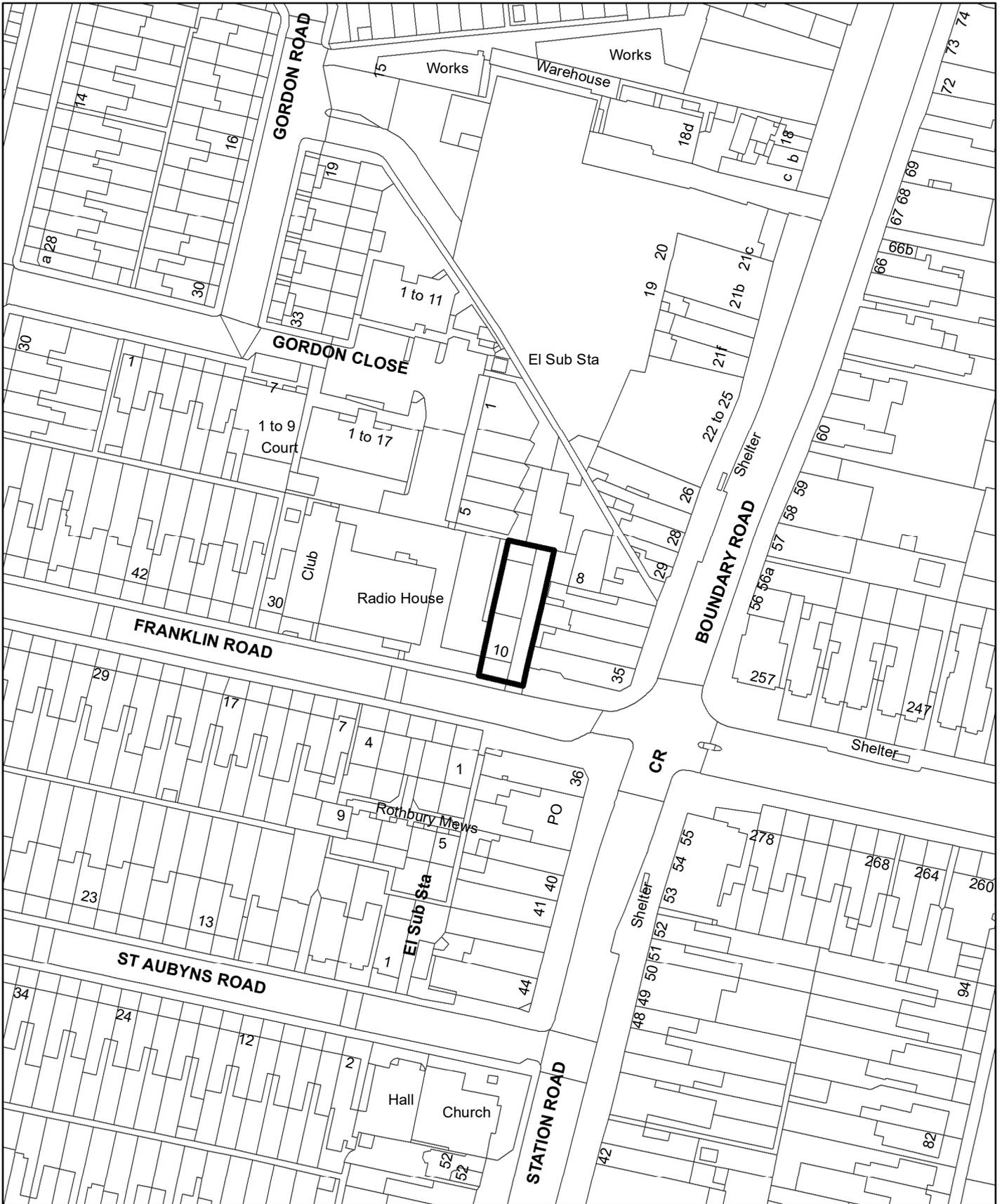
# **ITEM B**

**Keasley House, 10 Franklin Road  
BH2025/03004  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2025 03004 - Keasley House, 10 Franklin Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/03004</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Keasley House 10 Franklin Road Portslade BN41 1AN</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing office building (Class E) to form 3no self-contained flats (C3), including roof alterations to facilitate the erection of an additional storey with front rooflights, side and rear windows and associated alterations with retention of existing commercial building to the rear.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel: 01273 291380	<b><u>Valid Date:</u></b>	11.12.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	05.02.2026
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	10.03.2026
<b><u>Agent:</u></b>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<b><u>Applicant:</u></b>	Portland Construction (Sussex) Ltd 36 Portland Avenue Hove BN3 5NG		

This application has been referred to Planning Committee for a decision as the applicant is a relative of a member of staff.

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	TA1603/06		11-Dec-25
Proposed Drawing	TA1603/20	A	05-Feb-26
Proposed Drawing	TA1603/21	A	05-Feb-26
Proposed Drawing	TA1603/22	A	05-Feb-26
Proposed Drawing	TA1603/23		11-Dec-25
Proposed Drawing	TA1603/24		11-Dec-25
Proposed Drawing	TA1603/25	A	05-Feb-26
Proposed Drawing	TA1603/26		11-Dec-25
Proposed Drawing	TA1603/27	A	05-Feb-26
Proposed Drawing	TA1603/28		11-Dec-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floor plans listed in condition 1. The internal layouts shall be retained as first implemented thereafter.

**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

5. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

6. The hard surfaces within the landscaping shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP11 of the Brighton & Hove City Plan Part One and DM42 of City Plan Part Two

7. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM21 of the Brighton & Hove City Plan Part Two, and

WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

8. The dwellings hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.
9. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C'.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
10. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.
11. None of the dwellings hereby approved shall be occupied until a report and scheme for the existing and proposed soundproofing to address the potential impact of noise from the commercial uses on the proposed units has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). The approved scheme shall be permanently maintained thereafter. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM40 and DM20 of the Brighton & Hove City Plan Part 2.
12. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

13. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.

14. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 of City Plan Part Two and CP12 of City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos).
6. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
7. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

8. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
9. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
10. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
11. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

### **Biodiversity Net Gain**

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

## **2. SITE LOCATION**

- 2.1. The subject site comprises a two-storey detached building located on the northern side of Franklin Road, with a car park and smaller single storey building to rear. The building is finished with a mix of red brick and render with a concrete roof and front gable feature. The last lawful use of the main property and the detached building to the rear, appears to have been as offices in Use Class E. The property is surrounded by and adjoining other properties with commercial and residential uses.
- 2.2. This building is not located within a conservation area and has no Article 4 directions restricting permitted development rights for changes from Use Class E to Use Class C3.

## **3. RELEVANT HISTORY**

- 3.1. **BH2025/02573** - Prior Approval for change of use from commercial (E) to residential (C3) to create 2no. self-contained flats. Approved 09/12/2025

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks approval for the conversion of the existing two storey office building (E) to form 3no self-contained flats (C3) with roof alterations to enable the erection of an additional storey with front rooflights, new side and rear windows to the elevations, and associated alterations. The application also proposes the retention of the existing commercial building to the rear.
- 4.2. The plans have been amended during the course of the application, to revise the internal layout to ensure it conforms to the floorspace requirements of DM1 and to ensure that it provides suitable accommodation for future residents. The parking spaces have also been annotated to show the use for commercial and residential units. The description has also been amended to better reflect the form of development proposed, incorporating the new floor. As the amended description and plans did not alter or increase the form of development and floorspace proposed, it was not considered necessary to readvertise or reconsult with neighbouring properties.
- 4.3. It is noted that the property already has planning prior approval permission for a similar form of development under application BH2025/02573 for conversion from an office to 2 new flats with associated parking to the front. This remains extant and implementable and is considered a realistic fallback position for the principle of redevelopment from Use Class E office use to Use Class C3 residential, and therefore a material consideration in the determination of the current application.

## 5. REPRESENTATIONS

- 5.1. **Two (2)** comments received objecting, from the same party, and raising the following issues:
- The applicant has already commenced works onsite by erecting scaffolding
  - Removal of informal social infrastructure (car park)
  - Replacement Community infrastructure should be provided by way of legal agreements (football development area and access to sauna area)

## 6. CONSULTATIONS

- 6.1. **Economic Development:** No comment
- 6.2. **Environmental Health:** Comment  
Repeat conditions and comments of BH2025/02573:
- 6.3. Prior to first occupation details of noise mitigation to protect future residents from commercial noise.
- 6.4. Any contamination not previously identified should be the subject of mitigation approval measures by the LPA.
- 6.5. **Private sector housing:** No comment to make
- 6.6. **Sustainable transport:** Amendments requested  
Expect some increase in parking demand but note that the application is already providing parking to SPD14 maximum to the rear. Concerns raised regarding depth of parking to front (less than 4.5m depth) for width of crossover and request these are removed from the application. Request conditions to ensure boundary treatments and removal of existing crossover to front, to prevent use of parking spaces, to be supportable.
- 6.7. SPD14 also requires 3 cycle parking spaces for a development of this type in this location, and we would request that this provision is secured by a Cycle Parking scheme condition, should the LPA be minded to grant consent.

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)

- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017, revised October 2024);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the residential development proposed and the loss of commercial floorspace, the visual impact of the development on the character and appearance of the site and wider area, the standard of accommodation

provided for existing and future residents, impact on the amenities of neighbouring properties, and transport and sustainability issues.

### **Principle of development**

- 9.2. This application seeks to alter the property to change the existing Class E office use within the main property at the front of the site and, together with the physical alterations create three separate flats; 1x 1 bedroom and 2 x 2 bedroom dwellings. There is therefore a net gain of three residential dwellings.

### Creation of Housing

- 9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. As such the proposed net increase of residential accommodation by the provision of three units is given increased weight.

### Loss of employment Land

- 9.7. The proposed scheme would retain the existing single storey office building to the rear of the car park, but redevelop the existing two storey office building which fronts directly onto Franklin Road. The application would result in the loss of 137 square metres of Use Class E floorspace and it is therefore appropriate to apply the policy requirements of Policy CP3.5 of the Brighton and Hove City Plan Part One relating to the loss of employment space.
- 9.8. Policy CP3 states at 3.5 that the loss of employment uses such as this will only be permitted where it can be demonstrated that the site is redundant and incapable of meeting the needs of alternative employment uses. The supporting paragraphs of Policy CP3 specify that marketing information is required to support an application to demonstrate that a premises is no longer suitable for employment use, and a test of redundancy is required. This marketing should be for a minimum period of 12 months.

- 9.9. This site is sustainably located and is considered appropriate for continuing employment use. The applicant has not provided any marketing information to support the proposed change of use application. It therefore cannot be concluded that the employment use and floorspace is genuinely redundant or unsuitable for continued use.
- 9.10. The site does not, however, lie under any designation as a protected employment site. The site is also not covered by an article 4 direction which restricts changes of use from Class E to residential C3 use under Class MA. A form of development for the conversion of the existing Class E office space to two C3 residential units has been approved under Class MA (BH2025/02573) and this scheme is still implementable with the complete loss of the existing commercial floorspace. This is considered a valid "fallback" position and is given considerable weight in the applications favour; and as such refusal of the application due to the lack of marketing is not considered sustainable on this occasion.
- 9.11. In light of the above the conversion of the principal building from Class E to C3 is considered to be acceptable in this instance.

#### **Design and Appearance**

- 9.12. The application site is a two-storey property, with a gable ended roofscape and a large ground floor front shopfront. The property is finished in a mixture of red brick and off-white rough render. The surrounding area is an eclectic mix of more contemporary buildings and altered and extended period properties with varied roofscapes including gable ended, hipped, and flat roof designs. In the context in which the building sits, it is not considered that there is any local character or vernacular that must be adhered to and the existing building is of no significance architecturally.
- 9.13. The proposed works would see the removal of the existing gable roof design and creation of an additional floor. This would be achieved by increasing the pitch of the front roofslope and removing the rear roofslope with a flat roof extension at the rear of the site. The proposal would result in a minimal change to the front elevation as it would retain a pitched roof and the existing protruding bay window with gable end over. Two small front rooflights are proposed to the front roofslope either side of the front gable feature.
- 9.14. To the side elevations the new storey would be visible with a flat roof created which extends to the rear creating the space required for Unit 3, with new windows inserted to the rear and side elevations.
- 9.15. These changes are considered to bring some harm to the appearance of the host property, especially when viewed from the eastern side, as the additional storey has a mixture of roof forms and increases bulk and massing at roof level. However, with the retention of the front pitch and the bay window (with gable over) the harm is not assessed as not so significant that refusal is warranted given that the east side elevation would only be visible in short views adjacent to the site. In relation to the streetscene and immediate surrounding area, the building sits in an area of varied design and roofscape

with flat roof examples in close proximity, so whilst the application proposes a form which is not ideal in form and massing, the proposed design is not considered to bring any significant harm to the wider public realm, or the character of the area sufficient to warrant refusal.

- 9.16. To the rear a new amenity area is proposed for the ground floor dwelling (unit 1), and a new enclosure is created for cycle storage. The remainder of the existing car park to the rear is otherwise proposed to be retained, with parking being shared for the new residential units and the existing small retained commercial building. At the front of the site parking is retained for two cars and is proposed to be accessed via the existing crossover from Franklin Road. As the parking spaces are all located in areas for which parking is currently or has previously been utilised for the same there is no overall objection to this. In relation to the front parking spaces a concern has been raised that the spaces would have a limited depth for the parking of vehicle, however it is noted that the front parking spaces could also be utilised under the approved prior approval application BH2025/02573 which is given significant weight.
- 9.17. The proposed design would cause no significant harm to the visual amenities of the host property and streetscene and brings some improvements to future occupiers over the previously approved scheme (BH2025/02573) with increased parking and a rear amenity space for one unit. The proposed development is therefore in accordance with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18 and DM21 of the Brighton and Hove City Plan Part Two, and the NPPF.

#### **Impact on Amenity**

- 9.18. Policy DM20 of the City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.19. The impact on adjacent properties and residents has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified. The form of the development would increase the overall size of the buildings through the ground floor extension enclosing the cycle store and with the addition of the new storey however no significant overbearing impacts or overshadowing would occur, due to the separation from surrounding buildings and no increase in overall height as the proposed new floor in the roof would be lower than the existing ridge.
- 9.20. One new window is proposed to the first floor on the east side and two new windows are proposed at second floor at the rear. The windows would introduce new elevated views over the current situation, however the area has a high degree of mutual overlooking from surrounding properties and any increase in overlooking is considered to be acceptable in this context. It is noted that the change of the floor space to residential would mean the building would be occupied at more hours than it is currently but this is not considered

to increase any harm from overlooking/disturbance to an unacceptable level over the current situation for the same reasons.

- 9.21. The rear retained office building would have no changes in the form and scale and as continuing an existing use no adverse impacts are anticipated, to surrounding residents. As located to the rear of the existing car park, with separation from the new dwellings, the same is considered to apply for future occupiers of the proposed development.
- 9.22. For the reasons above it is considered that the proposed development would have an acceptable impact upon neighbouring residents in accordance with Policy DM20 of the Brighton and Hove City Plan Part Two.

#### **Standard of accommodation**

- 9.23. Policy DM1 (Housing Quality, Choice and Mix) outlines the Council's objective to deliver a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Specifically, all proposals "incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs".
- 9.24. Policy DM1 adopts the Nationally Described Space Standards (NDSS) for assessment to the standard of accommodation. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.25. The proposal would involve the creation of three (3) new units. Two (2) of these are two bedroom flats and the last is a one (1) bedroom flat . The layout of each have been amended since submission with regards to floor layouts and floorspace provided and as a result the residential units now all meet the minimum size requirements of policy DM1 of the Brighton and Hove City Plan Part Two.
- 9.26. The proposed elevations and plans show that there are sufficient window openings in all elevations to serve all habitable rooms/spaces and they would receive sufficient natural light and have an acceptable outlook.
- 9.27. Only one of the new dwellings proposed would have a private amenity area/garden (Unit 1 Ground Floor). In this specific situation the implementable Class MA approval provided no external amenity space for future residents, and this is given weight in this assessment. It is also a consideration that the site is located in close proximity to the public amenity space of Vale Park, which is located circa 200m to the west, it is considerable acceptable. In this particular instance no concerns are otherwise raised in this respect.
- 9.28. It is therefore considered that the proposed development would meet the needs of, and would provide suitable living conditions for future occupiers in accordance with Policies DM1, DM18 and DM20 of the Brighton and Hove City Plan Part Two

#### **Noise impacts from Commercial Premises**

- 9.29. The property is detached. The adjacent commercial premises neighbouring to the east face onto Frankin Road are in office use or retail use considered to be a low impact, so these are not considered to have any likely significant adverse impacts on future residents. To the west immediately adjacent to the site is a commercial premises which is operating as gym and shares a boundary with the application site. In this context the agent of change principle is relevant to ensure not just that the noise/disturbance impacts of this business on future residents are considered, but also that the operation of the business is not compromised in the future.
- 9.30. No details of the hours of operation of the gym have been supplied or assessed in relation to the application. It is reasonable for the LPA to assume that training classes would be taking place on these premises, with coaching and/or music, such that potential noise from the gym use could impact future residents of the development due to proximity and may give rise to complaints against the business.
- 9.31. On this basis a condition is recommended requiring a noise assessment and any mitigation measures required as a result will be required to be installed prior to first occupation of the development.

Contamination risks in relation to the building

- 9.32. The proposed works involve no breaking of the existing ground, except for creation of the new cycle and bin store to the rear, and no previous contamination/contaminating uses are recorded on council mapping. The site is a mixture of a period property and later additions/adaptions internally, so it is considered reasonable to add a condition that should any contamination be found during construction, a method statement for the remediation of the same would be submitted and approved by the LPA and then implemented as such.

**Sustainable Transport**

- 9.33. The change of use from existing offices to two C3 dwellings is unlikely to result in significantly increased trips generated from the proposed use. Therefore, it would be unlikely to generate a severe impact on the local road network.
- 9.34. The applicant is proposing five parking spaces in total, with three to the rear car park and retention of the existing crossover at the front to serve two spaces. Four of these spaces would be for the proposed residents and visitors, with one for the existing commercial unit at the rear of the car park. This meets the maximum requirements under SPD14. It is noted that transport officers have objected to the retention of the existing crossover to the front, which serves the two existing spaces, as they do not meet the depth for current car parking standards. However, considering this is an existing situation and could be implemented under the approved application BH2025/02573, it is not considered reasonable to remove the use of these spaces from the property.
- 9.35. The applicant is proposing four cycle parking spaces for this proposal, which is considered acceptable, but further details are required by condition to ensure they are suitable.

- 9.36. The applicant is proposing refuse and recycling facilities to the front of the site and rear for this development, but it is preferable that these are only provided to the rear, and a condition is recommended to be ensure details of the same are submitted and approved by the LPA.

### **Ecology**

- 9.37. Policy CP10 of the City Plan Part One and DM37 of City Plan Part Two seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.38. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species. A condition requiring the installation of a bee brick and a swift brick will be attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.

### **Biodiversity Net Gain**

- 9.39. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

### **Sustainability**

- 9.40. Policy DM44 requires converted residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'C'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. These energy efficiency measures are recommended to be secured by condition.

### **Other matters**

- 9.41. It has been raised in objections received that the applicant has already commenced works onsite and the application is therefore part-retrospective. The applicant has confirmed they have erected scaffolding onsite and started investigations in respect of the structure of the building, but not commenced any works related to this application, or the previous approved application BH2025/02573.
- 9.42. Objections have also been made regarding the loss of "social infrastructure" and replacement of this loss. The current site contains no community facilities, and the car park area is private with no community use agreed according to the applicant. It may well be that the car park area has been used by surrounding residents for football and an informal play area, when not in use by the offices, but this was not under any agreement or license. Therefore, no loss of community/social facility is considered to result as a consequence of the application and no replacement facilities are required.

### **Conclusion**

- 9.43. The design approach of the proposal would result in no significant harm to the appearance and character of the property or the wider area. The proposal would provide much needed new residential units which weighs considerably in its favour in consideration of the shortfall of housing provision in the City. The living conditions of future occupiers would be acceptable and the amenity impacts on neighbours are considered to result in no significant harm over the existing situation.
- 9.44. The loss of employment space is acceptable taking account of the realistic fallback position to implement the scheme approved under BH2025/02573. On balance and for the foregoing reasons the proposal is in accord with policies CP12 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM21 of the Brighton and Hove City Plan Part Two.

## **10. EQUALITIES**

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. The development plans show the dwellings have stepped access which would be more difficult for those who have restricted mobility or visibility. Considering the layout and streetscene, full compliance with Building Regulations M4(2) is unlikely to be achievable in any event, without alterations to the front façade, and layout which is not desirable.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.



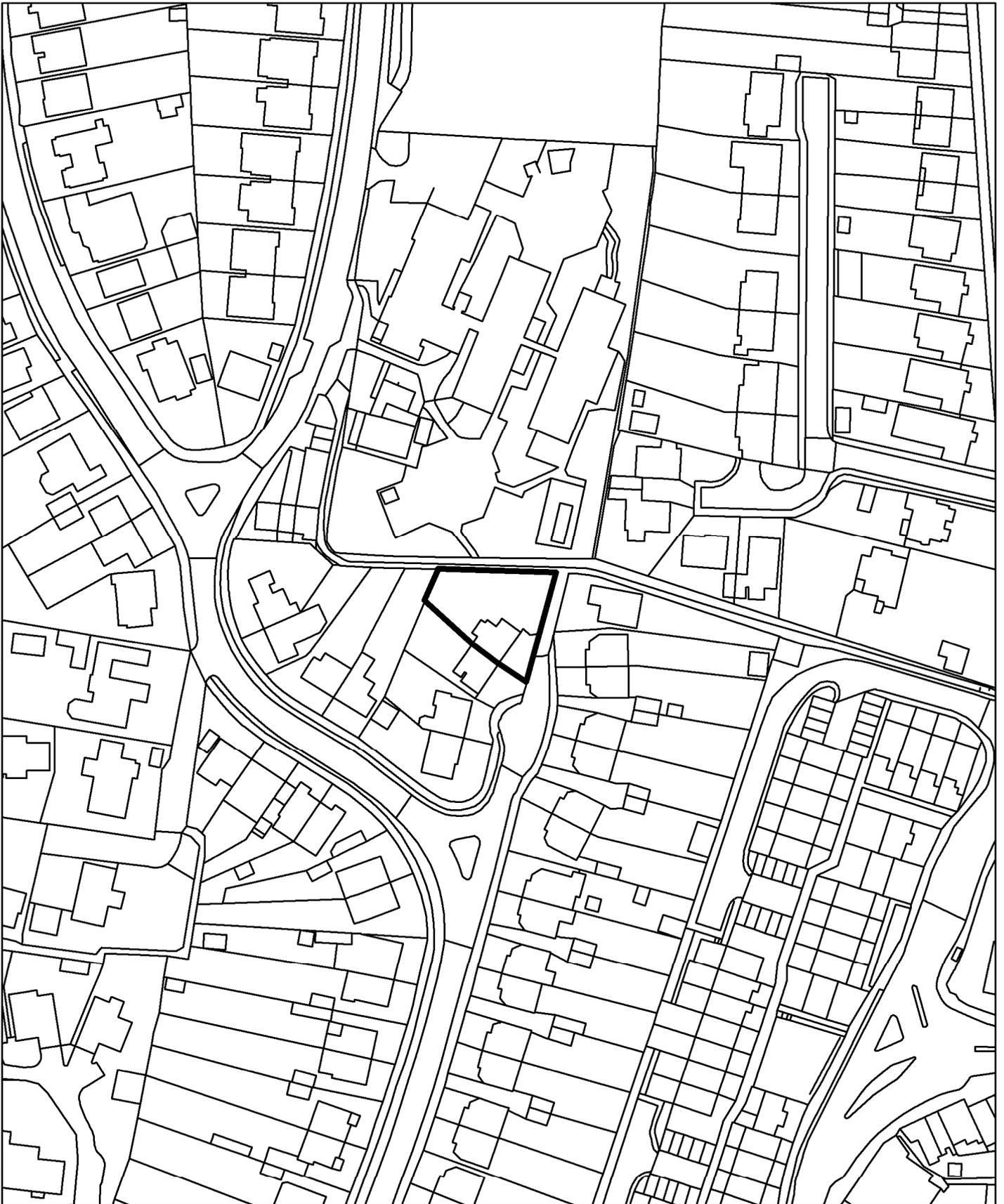
# **ITEM C**

**80 Overhill Drive  
BH202501589  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2025 01589 - 80 Overhill Drive



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/01589</b>	<b><u>Ward:</u></b>	<b>Patcham &amp; Hollingbury Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>80 Overhill Drive Brighton BN1 8WJ</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey, three bedroom detached dwelling house (C3) to side of existing property, with removal of existing garage and provision of parking for both dwellings.</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 01273 290585	<b><u>Valid Date:</u></b>	24.06.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	19.08.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	17.10.2025
<b><u>Agent:</u></b>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<b><u>Applicant:</u></b>	Mrs Susan Tanner 34 Westfield Avenue South Saltdean Brighton BN2 8HT		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising additional material considerations not already considered here within the re-consultation period ending 3.03.2026 and the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	TA1576/01	B	22-Jan-26
Proposed Drawing	TA1576/10	D	22-Jan-26
Proposed Drawing	TA1576/11	B	22-Jan-26
Proposed Drawing	TA1576/12	C	22-Jan-26
Proposed Drawing	TA1576/13	B	22-Jan-26
Proposed Drawing	TA1576/14	B	22-Jan-26
Proposed Drawing	TA1576/15	B	22-Jan-26
Proposed Drawing	TA1576/16	B	22-Jan-26
Proposed Drawing	TA1576/17	B	22-Jan-26

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples/details of all hard surfacing materials
  - c) samples/details of the proposed window and door
  - d) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;

- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development as well as additional facilities for the existing dwelling at 80 Overhill Drive, have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

8. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

10. All ecological measures and/or works should be carried out in accordance with the mitigation measures in sections 4.5-4.8 of the Preliminary Ecological Appraisal (Ref: 813/TurnerAss/Tanner/80OverhillDr/PEA, Environmental Assessment Services Ltd, June 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to protect species and habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended.

11. No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for the protection of reptiles and terrestrial mammals has been submitted to and approved in writing by the local planning authority.  
**Reason:** To protect species from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.
12. No development shall take place until an ecological design strategy (EDS) addressing ecological compensation and enhancement, to include soft landscaping of value to wildlife, green roof specifications and the provision of bat roosting features, bee brick(s) (or other artificial invertebrate habitat where the incorporation of bricks is not feasible) and a minimum of three swift bricks/boxes, has been submitted to and approved in writing by the local planning authority. The EDS should be informed by measures recommended in the Preliminary Ecological Appraisal (Ref: 813/TurnerAss/Tanner/80OverhillDr/PEA, Environmental Assessment Services Ltd, June 2025). The EDS shall be implemented in accordance with the approved details.  
**Reason:** To ensure provision of measures considered necessary to compensate for the loss of habitats and enhance the site for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and local policy.
13. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures for the off site trees identified in the submitted Tree Protection Plan submitted on 24<sup>th</sup> June 2025 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction – Recommendations' and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 / CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
14. The development hereby permitted shall not be first occupied until the extended crossover and access has been constructed.  
**Reason:** In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.
15. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot height levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

16. The hard surface of the external landscaping shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.

17. No development (including any demolition, site clearance or enabling works) shall take place until:

- (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the submitted documents; and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition").

18. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

19. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition is the ‘optional requirement’ detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the ‘fittings approach’ where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council’s Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1<sup>st</sup> March – 30<sup>th</sup> September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document ‘Guidance on the permeable surfacing of front gardens’.

7. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
  - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
  - ii) A completed Metric tool calculation
  - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
  - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
  - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
  - vi) Any biodiversity credits purchased for the development.
  - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

## **2. SITE LOCATION**

- 2.1. The application site relates to a large triangular shaped plot currently containing a two-storey semi detached dwelling, with sizeable garden areas to the rear and side. It is located at the northern end of Overhill Drive in a part of the road forming a cul-de-sac. A footpath providing access to Patcham Infant School is located along the northern boundary of the site.
- 2.2. The site is not within a Conservation Area.

## **3. RELEVANT HISTORY**

None identified.

## **4. RELEVANT HISTORY OF OVERHILL DRIVE**

- 4.1. **BH2011/02385** 78 Overhill Drive (Directly Opposite Application Site). Erection of a two-storey residential dwelling with associated external alterations. Approved 13.01.2012

## **5. APPLICATION DESCRIPTION**

- 5.1. The application seeks permission for the subdivision of the plot and to erect a new two storey, three-bedroom dwelling to the northern side of the existing dwelling. An existing attached side garage is proposed to be demolished, and

off-street parking would be provided for both the existing and proposed dwelling at the front of the site.

- 5.2. Revisions have been made during the course of the application. These revisions include;
- Setting the proposed dwelling 750mm further away from the shared boundary with 80 Overhill Drive
  - Reduced the depth of the house at the rear by 750mm
  - Lowered the height of the proposed eaves by 500mm so that they are more in keeping with 80 Overhill Drive.
  - Addition of a pitched roof, to replace the originally proposed flat roof, and
  - An additional ramped access from the front round to the rear of the dwelling for level access
- 5.3. The proposed dwelling would be a detached two storey property with a hipped roof finished with white render and a concrete tiled roof. The dwelling would have a projecting two storey bay window with a front hardstanding and rear amenity space. At the rear would be two storey projecting flat roofed feature extending beyond the rear roof eaves.

## 6. REPRESENTATIONS

- 6.1. Representations have been received from **Seven 7** people, objecting to the proposed development for the following reasons:
- Lack of parking
  - Increase in traffic
  - Poor design
  - Overdevelopment
  - Noise and disruption during construction
  - Safety to pedestrians using the twitten during construction
  - Safety and safeguarding of the nearby primary school
  - Loss of privacy
  - Loss of trees which has already taken place
  - Loss of light and overshadowing
  - Poor consideration for water drainage
- 6.2. Full details of representations received can be found online on the planning register.

## 7. CONSULTATIONS

Internal:

- 7.1. **Arboriculture:** Comment  
The submitted tree survey and tree protection plan refer to offsite trees. There is evidence at the site of the trees which have already been removed on the site, and they appear to have been semi-mature trees. The loss should be addressed through the Preliminary Ecological Appraisal which should be assessed by the

County Ecologist. Tree protection measures for nearby offsite trees have been shown on the tree protection plan, and these should be in situ prior to any groundwork.

7.2. **Sustainable Transport:** Comment

Acceptable in highway terms subject to conditions relating to cycle parking and the new/extended crossover.

External:

7.3. **Ecology:** Comment

The information provided is satisfactory and enable the LPA to determine that whilst the proposed development could have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

7.4. Full details of consultation responses received can be found online on the planning register.

## 8. MATERIAL CONSIDERATIONS

8.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

8.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## 9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

## **10. CONSIDERATIONS & ASSESSMENT**

- 10.1. The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the site, streetscene and the surrounding area, impact on neighbouring amenity, transport issues, impact on trees and biodiversity issues.

### **Principle of the Development**

- 10.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 10.3. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 10.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 10.5. The net proposed increase of one additional residential unit on the site would make a small contribution to the City's housing target and this is given appropriate weighting in the consideration of the development.
- 10.6. CP14 allows for subdivision of plots to provide higher density development where this is appropriate, and where the character of the surrounding area is not unduly compromised. The application site is set within a cul-de-sac, which consists of a mix of dwelling sizes and designs. Whilst plot sizes do vary slightly within the vicinity of the site, the application plot, being located at the end of the cul-de-sac is notably larger. It is therefore considered that the plot can comfortably be sub-divided and the addition of a new dwelling, fronting the cul-de-sac, would not appear out of place or incongruous. The principle of the development, to provide a new dwelling, is therefore considered to be acceptable and would not adversely harm the character and appearance or the general pattern of development of the immediate vicinity. Further consideration to the acceptability of the development is given below.

### **Design and Appearance**

- 10.7. Brighton and Hove City Plan Policies CP12 and DM18 (and SPD17) expect all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 10.8. The proposed detached dwelling would be two storeys in height and would be detached, set back from the building line of the adjoining pair of semi-detached properties to the south (nos. 82 and 80) by approximately 2m. It would be a maximum of 7.8m wide and have a maximum depth of 10.7m. The proposed ridge height would match that of the existing dwelling on the site.
- 10.9. Due to the layout of this part of Overhill Drive, there is no consistent building line, and the proposed set back would ensure that the proposed dwelling retains an appropriate relationship with the properties directly opposite. This approach is supported and the siting in within the streetscene would not appear out of place. Its end of cul-de-sac siting and positioning ensures that the dwelling does not appear overly dominant or out of keeping.
- 10.10. Since submission, the design of the dwelling has evolved, to include a hipped roof form, which is considered more in keeping with the general character of the area, than the originally proposed flat roof form. The overall general design proposed incorporates neighbouring characteristics, including the two storey projecting elements, material finish and window styles and proportions which are commonly found in the vicinity. The design is considered to be appropriate and would not result in harm to the character of the area.
- 10.11. At the rear a two storey flat roof projection is proposed extending beyond the rear roof line by approx. 3m facilitating additional internal space. Notwithstanding the flat roof element, this projection is considered to be suitably designed and would incorporate a green roof. Given that this projection would not be readily

visible from the public realm this projection is considered acceptable and would cause no harm to the character of the area.

- 10.12. It is acknowledged that the resultant garden areas of the proposed dwelling and the existing dwelling (no. 80) would be slightly smaller than the general scale and layout of adjoining development, however this would not be highly evident from a public vantage point and is considered to be acceptable in this case.
- 10.13. Overall, the proposed dwellings design is considered acceptable and would not adversely harm the character and appearance of the associated plot, streetscene or the surrounding area.

#### **Impact on Amenity**

- 10.14. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for development will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents or occupiers.
- 10.15. The nearest residential property to the proposed dwelling is no. 80 Overhill Drive which the application plot currently forms part of. This neighbouring building would be separated by approximately 3.7m on it's eastern side. The footprint of the proposed dwelling would extend a further 4.8m to the rear than the built form of the dwelling at No. 80, however, the separation distance and site orientation (new building would be to the north of the existing) ensures that the proposed dwelling would not impact on the main building of No. 80 in terms of outlook or light to this neighbouring property. There would be some impact on the rear garden area of No. 80, however due to the orientation of the properties and the separation from the shared boundary being 0.8m, any overshadowing or loss of light would not be significant. Any overbearing impacts would only affect a small proportion of the neighbouring garden and is therefore not considered significant enough to warrant refusal.
- 10.16. Ground floor windows would be positioned in the southern elevation, facing No. 80. They are shown to be obscure glazed. It is not considered necessary to condition that these windows contain obscure glazing, as even if clear glazing they would be located at ground floor level and would be screened by the proposed boundary fence which would subdivide the plot and therefore no loss of privacy or overlooking would occur. No upper floor side windows are proposed towards the neighbouring property.
- 10.17. The proposed dwelling would be sufficiently separated from the dwellings on the opposite side of Overhill Drive Nos. 78 and 78a, and therefore the development would not result in any harmful impacts on amenity to these neighbours.

#### **Standard of Accommodation**

- 10.18. Policy DM20 of the Brighton and Hove City Plan Part Two seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being

merely 'adequate' or 'acceptable'. Policy DM1 of the Brighton and Hove City Plan Part Two sets out Nationally Described Space Standards (NDSS) for dwellings.

- 10.19. The proposed new accommodation meets these size standards, including bedrooms sizes and widths, and each unit has appropriate levels of light, outlook, ventilation and circulation space. The dwelling would have a total floor area of 136sqm, and the plans are annotated to show 3 no. double bedrooms. The proposed dwelling (2 storey, 3-bedroom, 6 person) therefore exceeds the minimum floor space required for a dwelling of this type which is a minimum of 102sqm. The living areas on the ground floor are considered to be well laid out and suitable for the number of potential occupants.
- 10.20. Residential units are required to have private useable amenity space, commensurate to the type of unit. The proposed dwelling would have sufficient private amenity space to the rear and side, which is considered acceptable for the scale of the proposed dwelling.
- 10.21. The existing dwelling, 80 Overhill Drive, would still retain a sufficiently sized rear garden for a three-bed dwelling and the proposed development would therefore not harmfully affect the standard of accommodation retained for the existing dwelling.
- 10.22. Refuse/ recycling facilities are proposed to the front of the dwelling adjacent to the pavement, which is appropriate in this instance. A condition is recommended to ensure such facilities are provided prior to first occupation.

### **Ecology and Trees**

- 10.23. The applicant has provided an updated BNG Assessment which takes into account the site (including trees/shrubs) being cleared prior to the submission of the application. The scheme has also been amended during the life of the application which saw the replacement of the flat green roof with a pitched roof. Revised assessments have been submitted which secure further BNG enhancements elsewhere on the site. The County Ecologist considers the assessment to be acceptable, and conditions are recommended to secure the ecological measures to compensate for the loss of habitats and provide biodiversity enhancements to the site.
- 10.24. The submitted Tree Protection Plan contains acceptable protection measures for protecting the nearby off-site trees. These will be secured by condition.
- 10.25. A number of representations from residents have referenced that prior to the submission of the application, a number of mature trees were felled along the front edge of the application site. These trees were not protected. Whilst it is regrettable that they have been removed, the Arboriculturist raises no objections to the proposal subject to the mitigation measures that have been set out as a part of the application.
- 10.26. The loss of trees formally located within the site has been taken into consideration in the updated BNG assessment, including within the Metric baseline. In order to compensate for the loss of numerous trees, shrubs and

vegetated boundaries, increased boundary planting including trees/shrubs and hedgerows) is required, separate to the BNG requirements. The mitigation measures required are to be secured via conditions (relating to securing the mitigation measures already proposed within the submission as well as ensuring some further ecological compensation and enhancement as required).

### **Sustainable Transport**

- 10.27. The applicant is proposing 2 cycle parking spaces in a store for the proposed new dwelling. Further details would be secured by condition to ensure that the type of store is secure, covered and convenient to use. As the existing garage is being removed to facilitate the proposed new dwelling, a cycle store for the existing dwelling, 80 Overhill Drive would also be secured by condition.
- 10.28. The plans show that there will be one on-site parking space per dwelling, which meets the minimum standards as set out in SPD14 (parking standards). The creation of the driveway for the new dwelling would require an extension of the existing access point. There is no existing crossover due to there being no adjacent footway, however, the access point does abut the public highway and therefore a condition is required for the new/extended crossover.
- 10.29. There will be an increase in trips to and from the site as a result of the proposed development, however, this is unlikely to be significant. There may also be parking overspill, again, this is unlikely to be significant and no objection has been raised in these respects by the Local Highway Authority.

### **Sustainability**

- 10.30. All new development will be expected to improve energy efficiency and achieve greater reductions in CO2 emissions. New residential development should meet the requirements in Policy CP8 Sustainable Buildings, unless superseded by other policy. The amendments to Part L of the Building Regulations effective from 15 June 2022 have introduced a requirement for new residential development to achieve a 31% reduction in CO2 emissions compared to previous standards, which supersedes the requirements for a minimum 19% reduction in Policy CP8.
- 10.31. As a minimum, new residential development should also achieve a water efficiency of 110 litres of water per person per day for each dwelling. A minimum Energy Performance Certificate (EPC) rating 'B'. Both these requirements are to be secured by condition.

### **Conclusion**

- 10.32. The proposed development would not have an adverse harmful impact on the character and appearance of the existing site, streetscene or the surrounding area. It would not significantly impact on neighbouring properties, including the existing dwelling on the site, No. 80. Conditions would ensure that Biodiversity enhancements are secured on site including mitigating the pre-application loss of the trees which previously lined the front boundary line of the site. The development would not cause any harmful impacts upon transport or highways.

## **11. EQUALITIES**

11.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

11.3. Due to the land levels upon which the new dwelling would be located, there would be no level access from the pavement level into the front of the proposed dwelling, however the plans indicate the potential for a chairlift to be installed. The dwelling does however include a ramp from the front driveway to the rear of the property providing level access. Despite the lack of level access at the front of the property, level access would be provided to the rear and therefore a condition is recommended to secure on this occasion requiring that the development complies with Building Regulations M4(2) (Accessible and adaptable dwellings).

## **12. COMMUNITY INFRASTRUCTURE LEVY**

12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.



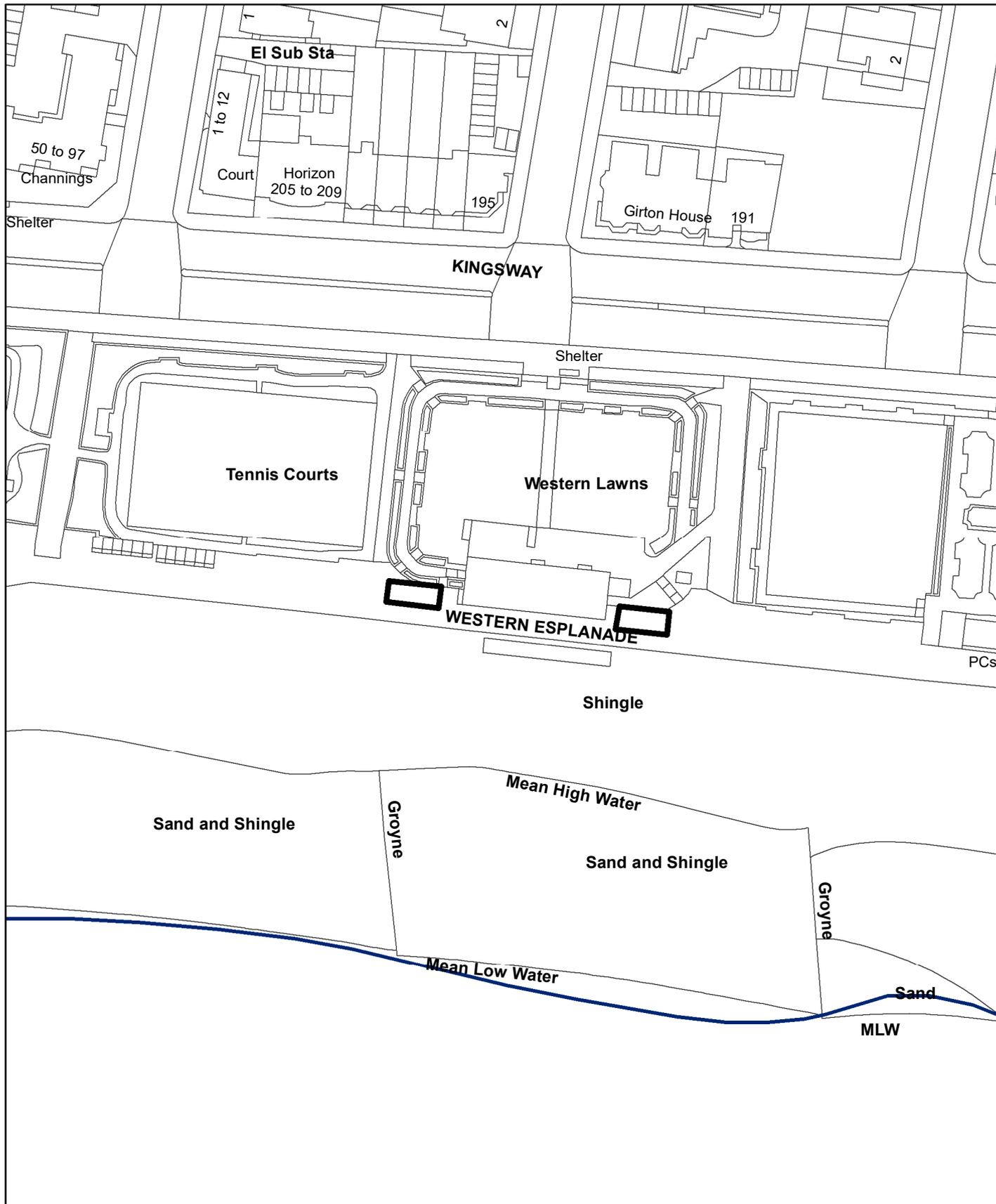
# **ITEM D**

**Rockwater, Kingsway  
BH2025/02251  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2025 02251 - Rockwater, Kingsway



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/02251</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rockwater Kingsway Hove BN3 4FA</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing 3no beach hut style kiosks with 3no beach hut style self-contained timber saunas, including rear ramp access.</b>		
<b><u>Officer:</u></b>	Chris Swain tel: 01273 292178	<b><u>Valid Date:</u></b>	03.11.2025
<b><u>Con Area:</u></b>	Sackville Gardens	<b><u>Expiry Date:</u></b>	29.12.2025
		<b><u>EOT:</u></b>	11.03.2026
<b><u>Agent:</u></b>	Drawing Technical 51 Lowther Road Bournemouth BH8 8NG		
<b><u>Applicant:</u></b>	Rockwater Group Rockwater Kingsway Western Esplanade Hove BN3 4FA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	324-2	C	05-Feb-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The elevations of the development hereby permitted shall be painted only in the colours BS 4800 C35 (gloss) to the roof and upper sides and the front and rear elevations, and BS 4800 04 D45 (gloss) to the plinth and lower sides.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM26 and DM29 of the Brighton & Hove City Plan Part Two.

4. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to

and approved in writing by the Local Planning Authority prior to any works commencing.

**Reason:** To ensure the satisfactory appearance to the development and to comply with policies DM26 and DM29 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. The development hereby permitted shall not be used/occupied until a Management Plan, which includes details of management and supervision of the site, opening hours, and the access to customer facilities including (but not limited to) w.c provision, storage, changing facilities has been submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the satisfactory operation of the development and prevent obstruction to the promenade and in the visual amenities of area and heritage assets, in accordance with policies DM26, DM29, DM33 and DM39, of Brighton & Hove City Plan Part 2.

6. The development hereby permitted shall not be first occupied until details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**Biodiversity Net Gain**

- 1.2. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.
- 1.3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

## **2. SITE LOCATION**

- 2.1. The application relates to land adjacent to Rockwater which is located on Hove seafront promenade, immediately north of the beach. Rockwater is a two-storey building, when viewed from the south and operates as a restaurant/café and bar. Immediately west of the main Rockwater building are three small timber huts which are positioned facing the promenade. These were previously used as kiosks functioning ancillary to the main restaurant. Following a number of temporary consents, these huts received permanent planning permission in 2025. They are not currently in active use.
- 2.2. The application site is located at the southern edge of the Sackville Gardens Conservation Area and is set within the green open spaces of the Western Lawns. The Western Lawns are included in the Council's list of Local Heritage Assets, and although the subject building is not included in the designation, proposals for the site may affect the setting of the Lawns. The site is owned by Brighton and Hove City Council.

## **3. RELEVANT HISTORY**

- 3.1. **BH2025/00125** Retention of six existing timber "beach huts" adjacent to the main building. Approved 13/3/2025
- 3.2. **BH2021/03900** Retention of six existing timber "beach huts" adjacent to the main building for a period of 3 years. Approved 18/1/2022
- 3.3. **BH2021/00229** Retention of existing six timber "beach huts" adjacent to the main building for a period of 6 months. Approved 25/05/2021

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the replacement of the existing three beach huts on the western side of Rockwater with three new timber huts which would house three self-contained saunas. The application has been amended during the consideration process. Initially consent was sought for a larger single building but is now proposed as three individual sauna huts. The amended plans have sought to deliver a development which better relates to the scale and design of the existing huts. The huts would be broadly positioned to align with the Rockwater building line.
- 4.2. Each sauna would now contain an electric sauna heater and have a capacity of 6 people. The proposal includes an access ramp to the western hut. Access to

each sauna would be from a rear door. The front of the saunas would have a single window and provide outlook over the promenade and towards the beach.

## 5. REPRESENTATIONS

5.1. **Nine (9)** representations have been received objecting to the proposal for the following reasons:

- Too many saunas in the area
- Will negatively impact existing independent sauna establishments / local traders / unfair competition practices by the Council
- Air pollution / particulate emissions from wood fire
- Overdevelopment
- Additional Traffic
- Impact on the environment through heat and chemicals
- Narrowing promenade / busy location / access
- Design and Impact on Conservation Area
- Impact on upkeep and maintenance of Hove promenade
- Domination by applicant, limiting diversity / potential for other outlets
- Rear of the building poor / badly managed and would be made worse
- Noise
- Restriction of view
- Permanence of the beach huts justified under the premise that they were needed for the business. The claim that they are no longer needed is disingenuous

5.2. Full copies of representations can be found on the Planning Register

## 6. CONSULTATIONS

Internal:

6.1. **Environmental Health Team** No Objection

Conditions suggested in terms of lighting, and construction and demolition.

6.2. **Seafront Development Team** Support

The footprint of the existing huts should not be exceeded and there must be no additional encroachment on to the promenade.

6.3. **Sustainable Drainage Team** No Objection

The development is unlikely to cause any changes to the site's drainage or flood risk characteristics and no further information relating to drainage is required. The proposed structures will not connect to the public sewers and indeed will not discharge any foul water.

6.4. **Sustainable Transport Team** No objection

Further information required in form of a method statement, detailing how the applicant intends to demolish and remove the existing beach huts and install/construct the proposed timber saunas should be submitted.

External

6.5. **Sussex Police No Objection**

Consideration should be given to the sighting of an intruder alarm to protect the buildings out of hours CCTV and video surveillance systems. The applicant and their partners are strongly advised to consult with the fire service with regards to the proposed changes and discuss a fire risk assessment.

**7. MATERIAL CONSIDERATIONS**

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013 updates October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017 );
- Shoreham Harbour JAAP (adopted October 2019)

**8. RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
CP2	Sustainable Economic Development
CP5	Culture and Tourism
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage
CP16	Open Space

Brighton & Hove City Plan Part Two (CPP2)

DM15	Commercial and Leisure Uses on the Seafront
DM18	High quality design and places

DM20	Protection of Amenity
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM39	Development on the Seafront
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

Conservation Area Character Statements

Sackville Gardens (2010)

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design and appearance of the proposals and their impact on adjacent Heritage assets, and the potential impacts on the amenities of local residents, business-users and also on users of the seafront.

### **Principle of Development**

- 9.2. Policy SA1 of the Brighton and Hove City Plan Part One encourages the installation of facilities suitable for all, and the promotion of the historic and cultural architecture of the seafront. Policy DM15 (Commercial and Leisure uses on the Seafront) of the Brighton and Hove City Plan Part Two generally can support small-scale seafront development in addition to existing or proposed leisure/ tourism schemes. Policy DM39 (Development on the Seafront) of the Brighton and Hove City Plan Part Two, addresses development in the context of coastal defences but also states proposals should safeguard the importance of the seafront and beach as an open space and maintain and enhance public access to and along the coast and to sea-based activities.
- 9.3. The application has been submitted by Rockwater. The proposal is considered to be a development which would complement the adjacent café / restaurant and neighbouring business ventures along this section of Hove Seafront. It is considered that by emulating the design of the distinctive local beach huts, and providing an additional recreational activity, the development broadly meets the policy objectives outlined above. One of the huts would provide accessible access with a ramp to the rear which is welcome.
- 9.4. The improvements to visitor facilities along the seafront will have a positive impact with regard to visitors and tourism more broadly and contribute to sustainable economic development in accordance with Brighton and Hove City Plan Part One policies CP2 and CP5 and Brighton and Hove City Plan Part Two policy DM15.

- 9.5. The existing huts were operated as ancillary kiosks in associated with Rockwater. There is no objection to the loss of these kiosks, and existing retained facilities within the restaurant building would continue to meet customer needs.

### **Design and Appearance**

- 9.6. The amended plans submitted during the application process have reduced the overall visual impact of the development compared to the singular building originally proposed. The scale is comparable to the beach huts recently granted consent.
- 9.7. The development emulates the form and scale of historic beach huts that are present along the sea front. Whilst acknowledging that some of the previous consents for the beach huts in this location were temporary permissions, the most recent consent for the beach huts (2025) was not time limited. When assessing this previous application, the LPA did not consider there was on-going justification to prevent a permanent form of development. The principle of the development in this position is therefore considered acceptable.
- 9.8. Each sauna hut would be 2.5m in width, matching the existing widths, and 2.7m in depth approximately 1m less than the existing huts. A proposed separation gap of 0.85m between the huts would emulate the spacing between the established beach huts to the west. The existing gap between the kiosk huts in this location is 2m therefore, the combined width of the three huts on the promenade would be 9.3m, which is a reduction compared to 11.5m for the existing three huts.
- 9.9. It is noted that two of the existing huts have open structure to the side and front and it is acknowledged that the new huts would be solid and would therefore have a more dominant aesthetic when compared to the existing structures, however, the proposed form would be more akin to the established huts to the west common to the area. Furthermore, the decrease in the depth of each hut, in addition to positioning the structures closer together, would mean the prominence of the new sauna huts would compare favourably to the visual impacts of the existing kiosks. The simple glazed window to the front elevation of each sauna is considered acceptable.
- 9.10. The siting of the new sauna beach huts would broadly compare to that of the existing beach huts which have consent. The existing beach huts are located just in front of the existing railings to the lower level lawned area behind the Rockwater building. The new huts would be set marginally further away from the railings. This is necessary as the access to the saunas would be on the northern elevation. Space for people to walk between the sauna and rear boundary to the lawned area behind is therefore a requirement. As noted above, the new huts would be less deep than the existing huts. For this reason, the huts would not extend past the existing front building line established by the existing huts and the existing south elevation of the Rockwater building.

- 9.11. It is acknowledged that the rear of the existing huts appear to have some areas of ancillary enclosure which do not appear to be consented. These would be removed, and this would have a positive impact on the appearance of the immediate area compared to the existing situation.
- 9.12. As with the previous permission granted for beach huts at this location, a planning condition is recommended to ensure that the paint work for the beach huts matches the colour of the paintwork of the main beach huts established along Hove promenade, this would ensure an acceptable appearance and assist in helping the proposal assimilate into the promenade and seafront surroundings.
- 9.13. Overall, the proposal is considered to have a very similar visual impact to the existing consented huts and would not harm the appearance, character or visual amenities of the immediate area in accordance with the development plan.

#### **Heritage Impacts**

- 9.14. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.15. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.16. Given the development's similarity to existing beach huts, it is considered that the historic significance of the Sackville Gardens Conservation Area would be preserved, and the LPA has no concerns in this regard. Similarly, it is not considered that the development would impact the historic significance of the Western Lawns. Access to the lawns would not be impeded as a result of the proposal. As noted above, conditions are recommended, as per the previous permission, ensuring that a satisfactory paint finish and appearance is secured.

#### **Impact on Amenity**

- 9.17. The development is not sited close to any sensitive receptors, and it is not anticipated that there would be any significant harm to the residential amenity of neighbouring properties. Loss of view has been cited as a concern within the representations received, however, this is a minor planning application and loss of view is not a material consideration in this instance. Notwithstanding this, the proposed huts would be located a significant distance from neighbouring residential windows and therefore would not cause a loss of outlook or an increased sense of enclosure. The height to the ridge of the huts would be approximately 2.9 metres which matches the height of the existing kiosks.
- 9.18. Although the development may increase the amount of activity in the immediate vicinity, given the substantial separation distances to the nearest residential properties which are to the north (on the opposite side of Kingsway)

no concerns are raised in regards to potential noise and disturbance to neighbouring residents.

### **Environmental Impacts**

- 9.19. The saunas would not be wood-fired and an electric sauna heater would be housed internally in each hut. There would not be any harmful emissions from the development and therefore the impact in terms of air pollution, and associated health consequences is considered acceptable.
- 9.20. There are no noise concerns from an electric heating source, and the Environmental Health Team have not objected to the development. The council would retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received in terms of noise.
- 9.21. Representations made in regard to chemical use have not been fully explained, however, as an electric heated sauna, it is not considered the development would require the use of harmful chemicals.
- 9.22. No lighting strategy has been submitted with the application. The Environmental Health Team have expressed that the lighting should match that of the existing facility. However, there is no detail on this aspect of the scheme. Given that the sauna entrances would be on the northern side of each hut, it is unlikely that the existing light provision would meet the future needs. Lighting would be expected to be modest and understated to reflect the location. Full details are recommended to be secured by condition.

### **Management and Levels of Activity**

- 9.23. The application is not well detailed in respect of the management of the proposed new facility. The submitted drawings indicate the saunas would accommodate up to 6 people at a time, allowing for 18 in total across the 3 huts. The application does not include any associated facilities for the sauna users, and it assumed that patrons would have access to the toilet facilities, and changing spaces within the Rockwater Building. This has not been confirmed but would be required in order for the development to be considered acceptable.
- 9.24. Given the sensitive location of the sauna huts, it must be made clear to the applicant that this consent is limited only to the submitted drawings and does not permit any other structure which may be associated with the development such as check-in area, lockers/storage, toilets and changing areas. Any additional structures are considered unlikely to be supported by the LPA given the need to maintain and enhance the open quality and visual amenities of the promenade.
- 9.25. Given the lack of information submitted, and to ensure the functioning of the sauna does not encroach on the promenade or obstruct pedestrian movement in the immediate locality, or result in additional structures around the proposed facilities, further details on the management of the facility is recommended to be secured by condition.

### **Access and Highway Considerations**

- 9.26. The site is within a busy section of the promenade. The development would not cause a significant narrowing of the promenade compared with the previous consent for the site. At present the existing huts broadly follow the front building line of Rockwater. The new huts would replicate this. It would not obstruct the users of the promenade any more than the existing situation. Ramped access to the westernmost sauna would be provided and would ensure the facilities could be accessed by less mobile users.
- 9.27. It is not considered that the proposed development would cause a significant increase in trip generation associated with the site. The site is relatively accessible by public transport and it is considered the trips to the site would be associated with combined trips to the seafront as a leisure/ recreational destination.
- 9.28. The Sustainable Transport Team have not objected to the development although additional information regarding the construction and demolition works has been requested. Given the modest nature of the development it is not considered necessary or reasonable to ask for a Construction Environmental Management Plan (CEMP).

### **Sustainable Drainage and Ecology**

- 9.29. The development is built upon the existing hardstanding and is not expected to result in any additional flood risk. The Sustainable Drainage Consultant has no concerns in this regard.
- 9.30. There are no specific impacts predicted in terms of ecology and biodiversity.

### **Other matters raised in representation**

- 9.31. Matters relating to business licenses, competition, and practices of the applicant are not material considerations for a planning application. However, the development has been assessed as appropriate for the seafront location, and in accordance with seafront development plans, would complement existing uses in the area.
- 9.32. With no notable emissions, it is not considered to harm users of the promenade or users of the nearby leisure facilities.
- 9.33. It is noted that information in the previous application, partially justified the permanence of the huts on the need for the kiosks. The current application now states they are not needed and therefore is somewhat contradictory. However, the previous approval was fully assessed in terms of its merits in particular the visual impact and found acceptable. As the kiosks are considered ancillary to the main Rockwater café / bar / restaurant, there is no requirement to protect the existing huts in their existing use.
- 9.34. Representation has been made regarding the existing operations at Rockwater, including the appearance of the rear of the property and a concern that the new venture could cause further problems in this regard. This development would not impact the principal operations at Rockwater.

Conditions attached to any permission would ensure the facility is managed appropriately and prevent ad-hoc storage at the rear of the site.

- 9.35. Representation has also been made about additional footfall and the maintenance of the promenade. It is not considered that the works would harm the existing surface, or that the additional footfall would cause a maintenance issue. The application has received a representation of support from the Seafront Development Team.

### **Conclusion**

- 9.36. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents and visitors to the area. The impact on the significance of heritage assets, existing seafront uses, and highway safety are also considered to be acceptable. Planning conditions are recommended to secure a satisfactory paint finish to the huts, lighting, and management of the facility.
- 9.37. The proposal is overall considered to be in accordance with policies SA1, CP2, CP5, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One, and DM15, DM26, DM29, DM33, and DM39 of the Brighton and Hove City Plan Part Two.

## **10. BIODIVERSITY NET GAIN (BNG)**

- 10.1. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

## **11. EQUALITIES**

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. There is provision for an access ramp for one of the sauna huts.
- 11.3. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

# **ITEM E**

**62 St Georges Road  
BH2025/01474  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2025 01474 - 62 St Georges Road



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/01474</b>	<b><u>Ward:</u></b>	<b>Kemptown Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>62 St Georges Road Brighton BN2 1EF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from builders store with living space (sui generis) to form 1no single dwellinghouse (C3), roof extension to form additional storey, rear roof terrace, revised fenestration, replacement shopfront, and associated works.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 01273 292198	<b><u>Valid Date:</u></b>	11.07.2025
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	05.09.2025
		<b><u>EOT:</u></b>	07.11.2025
<b><u>Agent:</u></b>	Whaleback 91 Boundary Road Hove BN3 7GA		
<b><u>Applicant:</u></b>	Lost Property One Limited C/O Whaleback 91 Boundary Road Hove BN3 7GA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	101	P4	30-Jan-26
Location and block plan	000 P1	-	11-Jun-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP15 of City Plan Part One and DM26 of City Plan Part Two.

4. All new front windows shall be timber framed and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP15 of City Plan Part One and DM26 of City Plan Part Two.

5. At least one bee brick shall be incorporated within the external wall of the extensions hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
6. At least one swift brick shall be incorporated within the external wall of the extensions hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
7. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on St Georges Road back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies CP9 of the City Plan Part One and DM33 of City Plan Part Two.
8. Access to the flat roof areas at first and second floor level (apart from the rear terrace area) hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies DM20 and DM21 of the Brighton & Hove City Plan Part Two.
9. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.
10. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to

comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace

## **2. SITE LOCATION**

- 2.1. The application relates to a two storey rendered terraced property, located on the south side of St George's Road in Kempdown.
- 2.2. The site lies within the East Cliff Conservation Area. There are a number of listed buildings within the vicinity of the site.
- 2.3. The property was last in use as a builder's' store at ground floor level with a connected residential use above. The property is currently vacant. The

application site lies outside the St George's Road Local Centre, and forms part of a 'Local Parade' as designated within policies DM12 and DM13 of the Brighton and Hove City Plan Part Two.

- 2.4. The property is currently in a poor condition with boarded entrance doors at ground floor level and two traditional sliding sash timber windows at first floor facing the road. The existing property has a large two storey flat roof extension at the rear.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/03793-** Change of use from builder's store with living space (Sui Generis) to form a ground floor commercial unit (E) and 3no self-contained residential flats (C3). Roof extension to form additional storey, revised fenestration, replacement of shop front and associated works. Approved 07.05.2021.

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use from a builder's store with living space (sui generis) to form 1no single dwellinghouse (C3), a roof extension to form an additional storey, a rear roof terrace, revised fenestration, replacement shopfront, and associated works.
- 4.2. During the course of the application the rear terrace has been reduced in size in response to amenity concerns and design changes have been made to the rear top floor window reducing its size. The roof terrace has been reduced in depth by 1.7m and decreased in width by 4.7m.

### 5. REPRESENTATIONS

- 5.1. Twelve **(12)** letters of representations have been received **objecting** to the proposal for the following reasons:
- Harm to the character of the building and conservation area
  - Impact on amenity
  - Loss of privacy
  - Noise disturbance
  - Overshadowing
  - Oppressive
  - Overbearing
  - Loss of light
  - Loss of outlook / views
  - Disruptive and intrusive
  - Disrupt peace / quality of life
  - Visually intrusive
  - Poor design/not in keeping

- Incongruous design
  - Inappropriate scale for historic building
  - Impact on rear external wall
  - Risk to tree and alleyway
  - Would set a precedent for future applications
  - Assessment of the submitted documents difficult / misleading
  - Inaccuracies in plan / misleading use
  - Consultation not carried out
- 5.2. Full copies of the representations can be viewed on the planning register.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage** : No Objection The replacement of the shopfront and any new windows on the front elevation should be conditioned to be timber.
- 6.2. **Policy** : No Objection The proposal has demonstrated redundancy of the existing use and the change to residential would be considered acceptable under the requirements set out in Policy CP3 of the Brighton and Hove City Plan Part One.
- 6.3. **Private Sector Housing** : Comment  
There are no doors on the kitchen or lounge at ground floor level which could be a fire risk.
- 6.4. **Sustainable Transport**: No Objection Subject to recommended conditions for cycle parking and reinstatement of redundant vehicle crossing.

### External:

- 6.5. **CAG**: No Objection Recommend approval.

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove City Plan Part Two (adopted October 2022)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)

- Hove Station Neighbourhood Plan (adopted February 2024)
- Rottingdean Neighbourhood Plan (adopted February 2024)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP2	Sustainable economic development
CP3	Employment Land
CP4	Retail provision
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public Streets and Spaces
CP14	Housing Density
CP15	Heritage
CP19	Housing Mix

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM12	Changes of Use within Regional, Town, District and Local Shopping Centres
DM13	Important Local Parades, Neighbourhood Parades and Individual Shop Units
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM23	Shop Fronts
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM41	Polluted sites, hazardous substances & land stability

#### Supplementary Planning Documents

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework
SPD14	Parking Standards

#### Other Documents

East Cliff Conservation Area Character Statement

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the impact upon the character and appearance of the building, street scene, wider conservation area and setting of nearby listed buildings, impact on neighbouring residential amenity, the standard of accommodation and highways.

### **Principle of Development**

- 9.2. The application seeks permission for the change of use from builders store with living space (sui generis) to form 1no single dwellinghouse (C3).
- 9.3. Policy CP1 in the Brighton and Hove City Plan Part One (CPP1) sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposal would result in the creation of 1no. additional housing unit. This net increase of one dwellinghouse must be given some weight in light of the city's housing supply shortfall.
- 9.7. This site as existing is currently vacant and was last in use as a builder's store. The site is currently in sui generis use (i.e. within a use class of it's own), with the builder's store, a mixture of space for storage and servicing of tools and the flat above which was ancillary/dependant on the store at ground floor. The unit is now vacant.
- 9.8. The loss of the builder's store has previously been approved under the previous planning application BH2020/03793 (approved in May 2021).
- 9.9. The current Sui Generis use is not protected by CPP1 Policy CP3 and therefore its provisions relating to redundancy and alternative employment uses are not relevant to the assessment of this application. Additionally, CPP2 Policy DM12 (Regional, Town, District and Local Shopping Centres) and CPP2 Policy DM13 (Important Local Parades) pertain to the retention of

commercial and/or community uses (Use Class E, F1 and F2) within designated shopping centres and local parades. Since 62 St Georges Road is a Sui Generis use, these policies similarly do not apply.

- 9.10. Notwithstanding this, marketing evidence has been submitted by the agency Robert Luff & Co, which details how the site was formally marketed between November 2022 - August 2024, via the agency's website and other property websites. Despite attracting 46 viewings and 6 bids, prospective buyers withdrew due to viability concerns. Since the site relates to a former builder's store in 'Sui Generis' use, it is considered that the requirements of CPP1 Policy CP3 to protect the loss of employment floorspace do not strictly apply in this instance. Nevertheless, given the length of time the space has been vacant, poor condition of the property, and how marketing had been ongoing for over 12 months, the proposal is considered to have demonstrated redundancy of the existing use and the change to residential would be considered acceptable under the requirements set out in Policy CP3 of the Brighton and Hove City Plan Part One.

### **Design and Appearance**

- 9.11. Policy CP12 of the Brighton and Hove City Plan Part One and DM18 of the Brighton and Hove City Plan Part Two expect all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.12. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.13. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.14. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.15. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.16. The proposed external works would comprise the following:
- Roof extension to form additional storey

- Replacement shopfront and associated works
  - Revised fenestration
  - Addition of rear roof terrace
- 9.17. The building is a historic property which has retained its original three-over-six sash windows at first floor level fronting the street, with a parapeted stucco rendered façade and timber bi-fold doors at ground floor level which may be of some historic interest. The property has undergone alterations to the ground floor shopfront which has eroded its architectural detailing, however it is still considered to make a positive contribution to the street scene. The building is situated as part of a varied range of properties which include canted bays and flat facades, some with historic shopfronts, which sit directly against the footway.
- 9.18. The properties to the west, on the same side of the road, are generally two storeys in height, although the neighbouring western property has been extended by an additional storey contained in a mansard roof, which is considered to negatively impact the building and the visual quality of the streetscene. To the east, the properties are of three and four storeys, and are buildings of 'transitional aesthetic quality', being the lesser elevations of the listed and architecturally exceptional listed terraces aligned to Eaton Place, of four storey (plus basement) height.
- 9.19. The application site is a historic property which makes a positive contribution to the area and as such any proposed alterations to the exterior which are visible from the streetscene should respect the special character of the area and East Cliff conservation area.
- 9.20. The site is at a transitional point in terms of the recognised forms, the buildings to the east being of larger scale and architecturally more ornate.
- 9.21. A flat roof extension is proposed providing an additional storey which would be rendered to match the existing building with two windows facing the street. The form would be subserviently set back from the front elevation behind a retained parapet. The proposed front elevation would continue the step down from the immediate property to the east to the lower western property and the height of the proposed roof extension remains beneath the projecting cornice of the neighbouring building providing a suitable stepped relationship with the adjoining eastern property and streetscene context.
- 9.22. The additional storey would represent an acceptable design approach, with the height of the extension sitting beneath the projecting cornice of the neighbouring building to the east and with the existing sash window pattern replicated at the second-floor level. It should be noted that an additional storey has previously been approved under the previous planning application BH2020/03793. The additional storey is considered to provide an acceptable appearance and design which would not cause harm to the character of the area or streetscene.
- 9.23. The proposed ground floor alterations to the existing shop front includes the introduction of three over six panel glazing within the original timber framing

with panelled timber stallrisers proposed either side of the central door. The alterations to the shop front are considered acceptable and would relate well to the sash windows above and represent an overall approved appearance to the building.

- 9.24. The proposed design of the rear elevation, incorporating an additional storey, fenestration detailing and rear roof terrace would be acceptable in design terms. The rear elevation currently is not aesthetically pleasing with limited architectural detail and is not visible from the public realm in immediate or far reaching views.
- 9.25. Design changes have been sought during the course of the application including changes to the rear top floor window to provide more consistency and symmetry in relation to the windows. The rear fenestration, whilst not traditional in appearance is considered to be acceptable given the limited views of the site.
- 9.26. A roof terrace is proposed to the eastern side upon the existing rear flat roof. The terrace has been considerably reduced in size during the course of the application and would not markedly impact the rear elevation or result in a cluttered appearance, particularly given the presence of other terraces within the immediate vicinity of the site, notably at the at no.61 to the east. Whilst there appears to be no planning permission for these terraces which appear to have been in use a number of years, the proposal is assessed on its own merits and the addition of a new rear terrace is considered to be acceptable in design terms.
- 9.27. Overall, the proposal would preserve the appearance and character of the building, wider street scene, the East Cliff conservation area and cause no harm to the setting of the nearby listed buildings, in accordance with policies CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM26 and DM29 of the Brighton & Hove City Plan Part Two.

#### **Standard of Accommodation**

- 9.28. Policies DM1 and DM20 of City Plan Part Two aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.
- 9.29. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards have now been formally adopted within Policy DM1 of City Plan Part Two.
- 9.30. The new dwelling would have a gross internal floor space of approximately 228m<sup>2</sup> which would significantly exceed the NDSS requirement for a five-bedroom 3 storey dwellinghouse and the bedrooms would meet the minimum

national space standards. The living arrangement at ground floor would consist of a lounge and kitchen/dining space which would offer an acceptable arrangement for the proposed number of people. Each habitable room would feature adequate window openings allowing for access to natural light, outlook and ventilation. The proposed dwelling would offer an adequate standard of living accommodation and meet the requirements of policy DM1 of the Brighton and Hove City Plan Part Two.

- 9.31. Policy DM1 of the City Plan Part Two also requires the provision of private amenity space in new development. The dwelling would have the use of a small rear roof terrace which would offer some outdoor amenity space. In any case, a number of units in this location do not typically have access to external amenity space and the proposed unit would have access to public outdoor space within the vicinity, such as the Seafront and the nearby Queens Park.
- 9.32. Overall, the accommodation proposed is considered acceptable, in accordance with policies DM1 and DM20 of Brighton and Hove City Plan Part Two.

#### **Impact on Amenity**

- 9.33. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.34. The two units immediately adjacent to the site are in commercial use at ground floor level with residential above. To the rear (south) of the site are the rear gardens of Belgrave Place and to the east the rear gardens of Eaton Place.
- 9.35. The proposal is unlikely to lead to any significant harm to neighbouring amenity, as trips to and from the site would not increase by any significant degree and the proposed use of the property as a single dwelling would not increase noise or disturbance significantly, given the existing use of the building, and the residential and commercial character of the area.
- 9.36. The additional storey would not have a detrimental impact on neighbouring properties or the gardens to the rear of the site in terms of overshadowing due to the relatively small height increase, particularly in the context of surrounding properties, and the east/west orientation of the site. The property to the east, no. 61, features a residential unit at first floor level and a rear terrace area, but the additional storey would be sufficiently set away from the main windows of this property and the neighbouring rear terrace so that the impact is not considered to be significantly harmful or sufficient to warrant refusal of the application.
- 9.37. Whilst additional windows are proposed to the rear elevation of the property potentially providing opportunities for greater overlooking of neighbours, there is an existing window at first floor level at the rear of the property and given the relatively dense urban fabric of the area, mutual overlooking is considered

a feature of this area and no harmful views would be provided. No additional harmful views would be created as part of this application over and above the existing situation sufficient to warrant refusal.

- 9.38. The proposed development would introduce a new roof terrace to the rear. Whilst the use of the terrace may result in some noise impact due to its elevated position, given the relatively modest size of the terrace (as reduced) and the addition of other terraces within the vicinity it would not be considered so detrimental as to warrant refusal of the application. During the course of the application the terrace has been notably reduced in size, both in width and depth, and with the addition of 1.8m screening to the eastern side. This set back and screening would make it difficult to obtain direct and harmful views into habitable rooms or the rear garden spaces which are set at a significantly lower level. The property to the east, no. 61, features a rear terrace at first floor level. The proposed terrace would be partially set back from this terrace and would therefore not offer harmful view towards the occupiers of this existing terrace.
- 9.39. A site visit was undertaken to a neighbouring property to assess the impact of the proposed terrace on neighbouring amenity.
- 9.40. Concern has been raised regarding the potential overlooking of garden spaces to the rear, however these views are already achievable from the rear first floor window and neighbouring residential units at upper floor level within the row of terraces. The rear terrace has also been reduced in size to ensure there is no direct or harmful views. The terrace is discussed in detail above and it is not considered there would be an increase in overlooking or loss of privacy or harmful noise impact.
- 9.41. Overall, it is considered that the proposal would create no significant or adverse impacts or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers and is therefore considered to be in accordance with Policy DM20 of the Brighton and Hove City Plan Part Two.

#### **Sustainable Transport**

- 9.42. The proposal is unlikely to result in a significant increase in trips due to the change of use.
- 9.43. The site is constrained and does not allow for on-site parking. The site is within Controlled Parking Zone H where the forecast parking overspill resulting from the proposed development is unlikely to have a significant impact and could be effectively managed by the controlled parking zone. Additionally, once the redundant vehicle crossover and double yellow lines are removed there will be an additional 1-2 car parking spaces available on street.
- 9.44. Given the constraints of the site it would not be practical for the provision of cycle parking at the site and it will not be requested in this instance.
- 9.45. The proposed removal of the vehicle entrance would result in the existing crossover becoming redundant and therefore a condition has been attached

for the crossover to be removed and the footway and kerb edge reconstructed and reinstated.

#### **Other Matters**

- 9.46. Given the previous use as a builder's store and the proposed alterations a condition / informative has been applied in association with contaminated land and asbestos.
- 9.47. There are communal refuse and recycling bins at Sudeley Place opposite the application which would be utilised by the new occupiers which is acceptable within this central location.
- 9.48. Private Sector Housing have highlighted that given there are no doors on the kitchen or lounge at ground floor level this could be a fire risk. However, this would be addressed and controlled through Building Regulations.
- 9.49. A number of representations have been made on this application which have been fully considered. Issues raised in relation to inaccuracies on the submitted plans / misleading use and that a full consultation has not been carried out has been addressed. The submitted plans and documents have allowed for a full assessment of the application and consultation on the planning application has been correctly carried out. A representation has commented that there may be harm to a historic rear external wall. This application does not include any works to this wall. In any case, the practicalities of the construction are not considered within an application for planning permission. Such details and reassurances between land owners can be made under the Party Wall Act.

#### **Biodiversity Net Gain**

- 9.50. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

#### **Conclusion**

- 9.51. The principle of the conversion of builders store with living space (sui generis) to 1no single dwellinghouse (C3) is considered acceptable and would not conflict with local planning policies of the Brighton and Hove City Plan Part One and Part Two.
- 9.52. The development is considered satisfactory in design terms and would not harmfully impact the character of the building, streetscene or character of the East Cliff Conservation Area, in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and DM18 and DM26 of the Brighton and Hove City Plan Part Two.
- 9.53. The standard of accommodation proposed is considered acceptable and would not have significant or adverse impacts or cause loss of neighbouring amenity, in accordance with policies DM1 and DM20 of the Brighton and Hove City Plan Part Two.

## **10. EQUALITIES**

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the development would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. Access standards are not sought on conversions and therefore no equalities implications have been identified.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

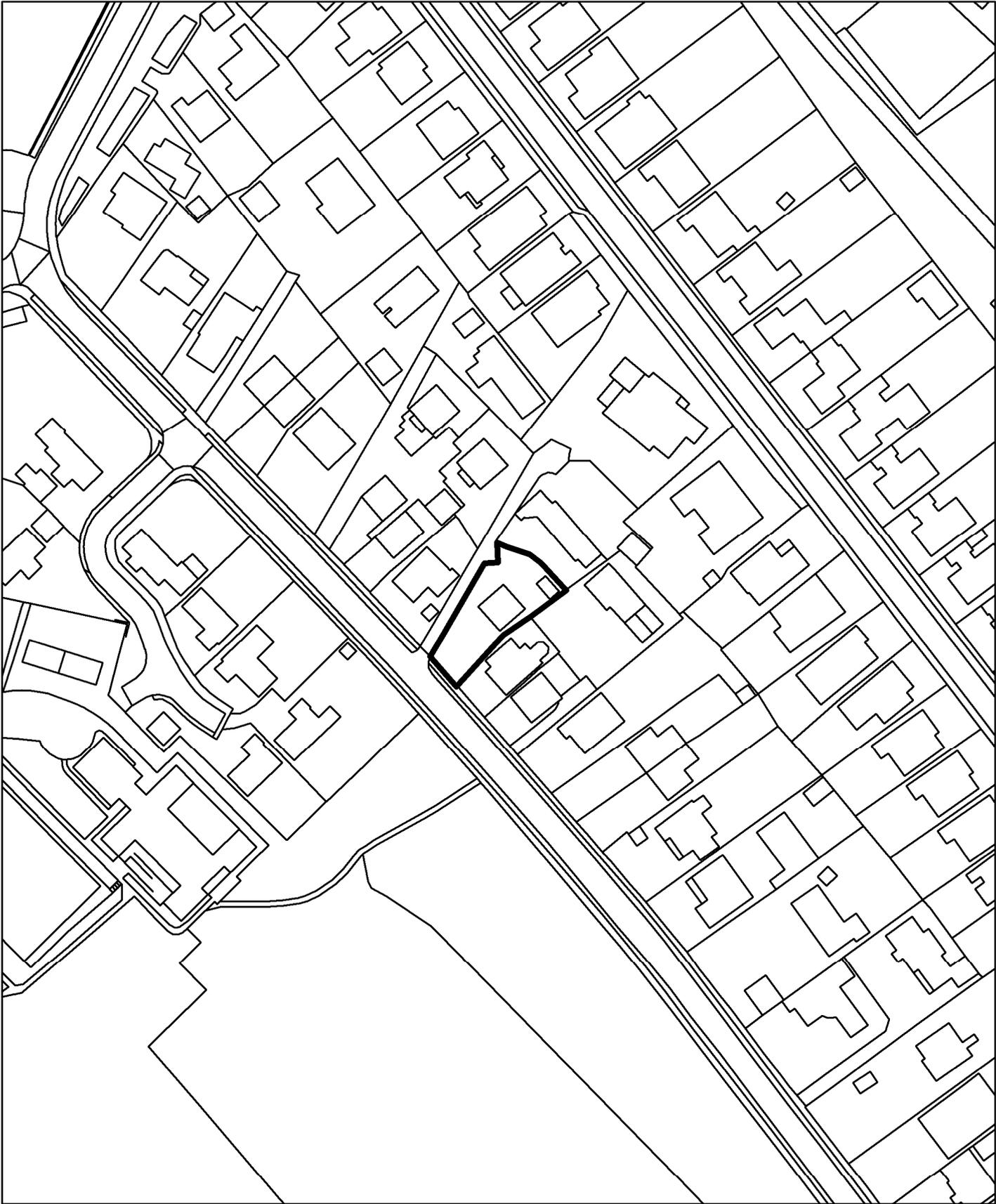
# **ITEM F**

**120 Longhill Road  
BH2025/01860  
Householder Planning Consent**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



BH2025 01860 - 120 Longhill Road



N



Scale: 1:1,250



**Brighton & Hove  
City Council**



<b><u>No:</u></b>	<b>BH2025/01860</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>120 Longhill Road Brighton BN2 7BD</b>		
<b><u>Proposal:</u></b>	<b>Erection of two-storey front and side extensions, erection of an additional storey, facade alterations, garden annex outbuilding to rear, driveway alterations, raised patio, external staircase, solar panels and all associated works. (amended plans received 18th December 2025)</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 01273 292359	<b><u>Valid Date:</u></b>	28.07.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	22.09.2025
		<b><u>EOT:</u></b>	10.12.2025
<b><u>Agent:</u></b>	Resi Design Ltd Unit 118 Workspace Kennington Park Canterbury Court London SW9 6DE		
<b><u>Applicant:</u></b>	Amit Mehta 120 Longhill Road Brighton BN2 7BD		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			28-Jul-25
Block Plan	B275307-3000	C	18-Dec-25
Proposed Drawing	B275307-3100	C	18-Dec-25
Proposed Drawing	B275307-3101	C	18-Dec-25
Proposed Drawing	B275307-3200	C	18-Dec-25
Proposed Drawing	B275307-3201	C	18-Dec-25
Proposed Drawing	B275307-3202	C	18-Dec-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum)

within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding any details shown on the approved plans, no development other than demolition shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Details of all cladding to be used, including details of their treatment to protect against weathering
- b) Details of the proposed window, door and balcony treatments
- c) Details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

5. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. The annexe hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling

house and shall at no time be occupied as a separate or self-contained unit of accommodation, including as holiday lets.

**Reason:** In order to protect the character of the area and amenities of neighbouring properties and potential future occupants because the annexe is unacceptable as a new dwelling, in accordance with policies DM1, DM18 and DM20 of Brighton & Hove City Plan Part 2.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Schedule 2, Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.

**Reason:** To ensure the annexe is not inappropriately subdivided from the main property and to safeguard amenity and to protect the character and appearance of the locality, to comply with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18, DM20 and DM21 of the Brighton and Hove City Plan Part Two.

8. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

9. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

11. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
3. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

## 2. SITE LOCATION

- 2.1. The application relates to a single-storey detached dwelling (C3) on the northeastern side of Longhill Road. The site sits on a hillside with land levels falling sharply towards the southwest (front of the site), and the plot tapers significantly as the land falls.
- 2.2. The existing modest bungalow on the site is set behind its immediate neighbours, on higher ground, and is positioned towards the southeastern side boundary. As a result, the front wall of the existing bungalow approximately aligns with the rear wall of the neighbouring property at no. 118 Longhill Road. The site also includes a single-storey detached garage building to the rear, accessed via a driveway that also serves nos. 122 and 124 which are set behind the bungalow, up the hillside.
- 2.3. The area is primarily residential in character, with the northeastern side of Longhill Road comprising detached dwellings of one- and two-storeys, in diverse architectural styles, arranged on a varied building line. There are several cases of infill/backland residential development. The southwestern side of Longhill Road includes further residential dwellings set on lower ground, as well as a substantial break in built form at the Ovingdean School Grounds Local Wildlife Site.
- 2.4. The boundary of the Ovingdean Conservation Area lies on the opposite side of Longhill Road. The site itself is outside of the conservation area.

## 3. RELEVANT HISTORY

- 3.1. **BH2025/00463** - Proposed vehicle crossover and new access steps, incorporating EV charger, boundary treatments and associated works. Approved 17/04/2025
- 3.2. **PRE2025/00048** - Proposed airspace development, complete with two storey side extensions, garden outbuilding, installation of solar panels and air source heat pump, and all associated works.

## 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the substantial remodelling of the existing bungalow including an additional storey with a pitched roof and two-storey front and side extensions. The remodelled building would be finished in flint cladding to the ground floor, and metal cladding to the first floor and roof, with a balcony to the front elevation. A garden annex outbuilding is also proposed to the rear, together with driveway alterations, a raised patio and associated works.

- 4.2. The plans have been amended since the initial submission to reduce the height of the roof of the proposed additional storey and remove some elements including a side dormer and external staircase.

## 5. REPRESENTATIONS

- 5.1. **Fourteen (14)** letters of objection have been received from individuals and organisations, summarised as follows:
- Overdevelopment, poor design, too close to boundaries
  - Harm to neighbouring amenity due to noise, overshadowing, loss of privacy, loss of outlook
  - Loss of property value
  - Proposed annexe is another dwelling, could be used for holiday lets
  - Inaccuracies on plans, disputed site boundaries/land ownership
  - The amended plans do not go far enough to address previous concerns
- 5.2. **Two (2)** letters of support have been received from individuals and organisations, summarised as follows:
- Current building is of poor quality and in disrepair
  - Good design, considerate of impacts on neighbours
  - The annexe should be subject to conditions to ensure ancillary use
- 5.3. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

- 6.1. **Arboriculture:** No comment received
- 6.2. **Sustainable Transport:** No comment received

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals and the impact on neighbouring amenity.

### **Principle of Development:**

- 9.2. No objection is raised to the principle of remodelling the existing dwelling on the site.
- 9.3. The proposals also include the erection of a detached outbuilding to the rear of the site, to replace the existing garage. This proposed outbuilding is stated to be ancillary to the main dwelling, but the degree of dependency on the main house would be limited, as the proposed annexe would have all the facilities

required for self-contained living and would be some 39sqm in internal area. There is a secondary site access onto the shared driveway in close proximity to the annexe door, however the annexe would share the rear garden space with the main house preventing the outbuilding being truly self contained. It is considered that, subject to conditions relating to the use of the annexe being ancillary to the main house, and the removal of permitted development rights for fences within the site to ensure a continued degree of dependency, it can be ensured that the outbuilding would not result in the creation of a new self-contained dwelling and can be accepted in principle.

**Design and Appearance:**

- 9.4. The proposals comprise the remodelling of the existing bungalow, with two-storey front and side extensions and the formation of an L-shaped additional storey with a pitched roof. There would be gable ends formed to the front (south) and northwestern (side) elevations. The part of the building closest to the southeastern side boundary would be retained at the existing footprint and single-storey roof height. The remodelled building is indicated to be finished in flint to the ground floor, and zinc cladding to the first floor and roof. The amended plans have reduced the overall height of the proposed building by 0.8m and have reduced the height and bulk on the southeastern side boundary as well as omitting the side dormer feature and the external staircase.
- 9.5. The streetscene on the northern side of Longhill Road comprises dwellings that are predominantly two-storeys in scale, and includes a varied building line with dwellings frequently set further back than their immediate neighbours. There are a wide variety of architectural styles and material finishes.
- 9.6. The characteristics of the site do however present constraints to development, as the plot tapers significantly towards Longhill Road, with a narrow frontage, and land levels rise steeply as the plot widens.
- 9.7. As amended, the proposals would result in a significant increase in the footprint, height and massing of the building. However, the proposed extensions to the south- and northwest would leave suitable visual spacing to the neighbouring properties and site frontage to avoid appearing overly cramped within the plot. The reduced height of the additional storey, and the retention of the current single-storey height to the southeastern boundary, also assists in preventing an overly domineering visual relationship with the smaller, and lower, neighbouring buildings. The proposed material finish of flint cladding and zinc cladding, whilst not benefiting from any direct precedent, would not appear incongruous in the varied Longhill Road streetscene or wider area.
- 9.8. The proposed outbuilding would be single-storey in scale, with a hipped roof. The drawings indicate the outbuilding would be clad in timber with slate roof tiles. Whilst also a significant increase over the existing garage in terms of footprint, this would be at the rear of the site and would remain clearly visually subordinate to the main building, with a suitable garden area retained to avoid the site appearing cluttered or overdeveloped.

- 9.9. Whilst it is considered that the proposal approaches the capacity of the site, as amended and subject to the recommended conditions it would not, on balance, appear as an overdevelopment of the plot, appear harmful, unduly incongruous or out of keeping within its context and would be in accordance with policy CP12 of the Brighton and Hove City Plan Part One and policies DM18 and DM21 of the Brighton and Hove City Plan Part Two.

### **Landscaping**

- 9.10. Works to the site frontage onto Longhill Road, including the creation of an on-site car parking space, have been approved previously under application BH2025/00463. These approved works would have necessitated the removal of two existing trees, as well as various shrubs.
- 9.11. The current proposals indicate the retention of the remaining trees within the front of the site, although the proximity of the proposed building may necessitate some further removals. The site is however not covered by a Tree Preservation Order (TPO) nor is it located within a conservation area, and it is considered that further detail of tree protection measures and landscaping, to include replacement planting where necessary, can be secured by condition.

### **Impact on Amenity**

- 9.12. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.13. The neighbours most likely to be significantly affected by the proposed development are no. 118 Longhill Road (adjoining to the side/southeast) and no. 122 Longhill Road (adjoining to the rear/northeast).
- 9.14. No. 126 Longhill Road (to the side/northwest) is unlikely to be significantly affected by the proposals, with an acceptable separation between the two plots and little in the way of fenestration on the existing southern side of the neighbouring property. The proposed development would include some modest fenestration towards this neighbour but given the separation no significant harm would result.
- 9.15. No. 122 to the rear is wider than the proposed building and is located on significantly higher ground. A separation distance of 15m would be retained between the rear of the proposed remodelled building and the front façade of this neighbour. The amended scheme is reduced in height compared to the original proposal and includes a hipped roof at the rear rather than a gable, however it remains the case that the proposed additional storey would be readily visible in views from the front-facing windows and front amenity space of no. 122, and has the potential to obstruct views of features within and across the valley. However, the planning system seeks to protect outlook rather than any specific view, and it is not considered that there would be a harmful loss of general outlook to this neighbour, nor would there be a significant overbearing impact or loss of light due to the separation and higher ground on which the

rear neighbouring property sits. There would be several rear-facing windows proposed at first floor, however due to the relative land levels, boundary treatments and the proposed outbuilding the views from these windows would not be considered to give rise to significant overlooking concerns.

- 9.16. The rear garden and rear windows of no. 118 Longhill Road to the south side of the site are particularly sensitive to the proposed development, due to the proximity and relative positioning of the existing buildings, the rising land levels and the constrained size of the rear garden existing at no. 118. The amended scheme would retain the existing footprint and roof height within 3.5m of the boundary - a significantly reduced height compared to the original proposal and the amendments also omit features such as a side dormer and external staircase. To the south side the proposal would result in a sloping roof rising away from 118 Longhill Road. Whilst the proximity remains close, it is considered that there would not be a significant increase in bulk or harmful impact in terms of direct overshadowing or sense of enclosure compared to the existing arrangement to the southern side. The amendments have also reduced the height of the main roof form and include a hip to the rear rather than a gable, and this assists in further reducing any bulk and overbearing impact on no. 118 arising from the additional storey. There would be no side-facing fenestration towards no. 118, other than one ground floor window facing the boundary fence, and two rooflights providing skyward views.
- 9.17. The proposed outbuilding would be located in the northeast corner of the site, adjacent to the boundaries with nos. 120 and 118a Longhill Road. The outbuilding would be of a modest single-storey scale and due to the rising ground levels is not considered to give rise to significant concerns with respect to overshadowing or loss of outlook. Ancillary use of the outbuilding can be secured by condition as set out previously.

#### **Standard of Accommodation**

- 9.18. The proposed remodelled dwelling is considered to provide an acceptable standard of accommodation, in accordance with the Nationally Described Space Standards (NDSS) and policies DM1 and DM20 of the Brighton and Hove City Plan Part Two. Habitable rooms within the remodelled dwelling would provide acceptable space for furniture and circulation and access to natural light and outlook and no further concerns are raised in this respect.

#### **9.19. Sustainable Transport**

The proposed remodelling of an existing dwelling is unlikely to result in any significant uplift in trip generation.

- 9.20. The loss of the garage may result in some displacement of car parking demand, however as set out above the creation of a dropped kerb and on-site car parking space has recently been approved under BH2025/00463 mitigating against any loss.

#### **Other Considerations**

- 9.21. It is noted that public representations have raised additional concerns relating to legal issues such as land ownership and restrictive covenants. These fall

outside the scope of a planning application and are civil matters to be resolved privately.

- 9.22. Conditions requiring a bee brick and swift brick have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

## **10. CONCLUSION**

- 10.1. No objection is raised to the principle of the proposed development, subject to conditions ensuring ancillary use of the proposed outbuilding. On the basis of the amended plans and subject to the recommended conditions it is considered that there would not be an unacceptable harmful impact on the appearance of the site, character of the area or streetscene, and there would be no substantial or significantly harmful impact upon neighbouring amenity to warrant refusal.

### **Biodiversity Net Gain**

- 10.2. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because:
- It is a self-build/custom build application.

## **11. EQUALITIES**

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.



# **ITEM G**

**40 Selhurst Road  
BH2025/01026  
Householder Planning Consent**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2025 01026 - 40 Selhurst Road



N



Scale: 1:1,250



**Brighton & Hove  
City Council**



<b><u>No:</u></b>	<b>BH2025/01026</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>40 Selhurst Road Brighton BN2 6WF</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey rear extension, front porch, garage, air source heat pump and associated alterations including raised land levels (Part-retrospective).</b>		
<b><u>Officer:</u></b>	Charlie Partridge, tel: 01273 292193	<b><u>Valid Date:</u></b>	01.06.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27.07.2025
		<b><u>EOT:</u></b>	11.09.2025
<b>Agent:</b>			
<b>Applicant:</b>	Mrs Andrea Stosic 40 Selhurst Road, Brighton BN2 6WF		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing			19-Nov-25
Location Plan			01-Jun-25
Block Plan			01-Jun-25
Existing Drawing			05-Aug-25
Existing Drawing			06-Aug-25
Proposed Drawing			10-Dec-25

2. Within three months of the date of this permission, a 1.8 metre high privacy screen, either in the form of a close boarded fence or a mature hedge of Cherry Laurel (*Prunus laurocerasus*) shall be installed/planted along the southern boundary of the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fence/hedge shall thereafter be retained and maintained to a minimum height of 1.8 metres. Should a hedge be planted, any part of the hedge that dies, becomes diseased, damaged, or is removed shall be replaced within the next planting season with a Cherry Laurel hedge of similar size unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the privacy of adjoining occupiers and prevent overlooking, in accordance with policy DM20 of Brighton & Hove City Plan Part Two.

3. Noise associated with the air source heat pump shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**Biodiversity Net Gain**

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

**2. SITE LOCATION**

- 2.1. The application site relates to a detached bungalow located on the east side of Selhurst Road in Woodingdean. The bungalow is constructed mostly in brown brick with a projecting front gable. There is a single storey flat roofed garage/side extension accessed via the driveway located on the south elevation. The street scene is residential comprising detached residential bungalows displaying a variety of forms and materials.
- 2.2. The application site sits on a notably higher land level than the neighbouring property to the south due to the significant increase in land levels from south to north along Selhurst Road,
- 2.3. The rear and side extensions and front porch proposed have been already constructed. The rear garden has also been levelled. This has resulted in a

higher garden land level towards the southern boundary of the site when compared to the pre-existing situation.

### **3. RELEVANT HISTORY**

- 3.1. **BH2025/00720** Non-Material Amendment to BH2024/00036 to increase the rear roof height to 2.75m, change the rear extension rooflight and addition of eaves to roof slope. Refused 08.04.2025
- 3.2. **BH2024/00036** Erection of a single storey rear extension and erection of a front porch, demolition of existing garage and erection of a new garage. and addition of a heat pump. Approved 10.04.2024

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought retrospectively for a rear extension, relocated side garage, front porch and an air source heat pump (ASHP). Permission was previously granted for most of these works under application number BH2024/00036. However, due to significant inaccuracies in the original drawings including the roof ridge and eaves details of the main dwelling, and the roof height of the rear extension and the fact that the extensions were not built in accordance with the approved plans, a new retrospective planning permission is required for these works. The original application is considered to be invalid. The description was altered to include these elements.
- 4.2. Retrospective permission is also sought for the raised land levels in the rear garden.
- 4.3. During the course of determining the application, the drawings were slightly amended following a site visit where measurements of the rear extension were taken. The height of the extension and its proximity to the northern boundary fence were amended on the drawings to ensure their accuracy. Additional drawings were also provided to show the pre-existing and existing land levels of the rear garden. In addition, amended proposed garden elevations and plans were received which have added a proposed 1.8m high evergreen hedge along the southern boundary of the rear garden to prevent overlooking into the neighbouring property to the south from the raised garden and southern side window in the proposed extension.
- 4.4. The rear extension proposed to the dwelling would measure approximately 2.9m in height above internal floor level, 3.9m in depth beyond the pre-existing rear elevation of the house and spans the full width of the property. The extension has a flat roof at a higher level than the eaves of the main dwelling and has three lantern rooflights projecting above its surface. The side extension (garage) measures approximately 5.2m in depth, 5.2m in total height and 2.75m in width. The front porch has a flat roof at the same height as the main eaves. The front porch and side and rear extensions are finished in brickwork to match the existing materials of the host property.

- 4.5. A site visit was undertaken to assess the impact of the works and to take measurements of the extension built on site to ensure accuracy of submitted drawings.

## 5. REPRESENTATIONS

- 5.1. The proposal required re-advertising to neighbours on two separate occasions as the description of development was changed to include the alterations to the land levels and the drawings were amended to include a 1.8m privacy hedge along the southern boundary to mitigate privacy impacts.

- 5.2. Four (4) objections were received, objecting to the application for the following reasons:

- Extension: overshadows, overlooks, overbearing, loss of outlook
- Land levels: overlooks neighbouring properties
- Side windows: overlook, not obscured properly
- Outdoor light installed causes light pollution
- Party wall issues
- Northern boundary shows 0.84m gap from extension - inaccurate as 0.63m on site
- Plans misrepresented, don't show intrusion of extension into eaves
- Side window changed to a patio door
- Various building control issues
- Issues relating to species of hedge proposed (Cherry Laurel): Invasive growth, excessive height, time taken to grow to maturity, lack of adequate privacy due to height of 1.8m and gaps.

- 5.3. Full details of representations received can be found online on the planning register.

- 5.4. **Councillor Jacqui Simon** has made a representation objecting to the revised application. Their representation is attached to this report as an appendix.

## 6. CONSULTATIONS

None

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces

#### Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of the application relate to the design and appearance of the works and their impact on neighbouring amenity.

### **Design, Character and Appearance**

- 9.2. The current drawings have improved in terms of accuracy and better reflect the extension which has been built on site, as the extension was not built in accordance with the previously approved plans for the now invalid application (ref: BH2024/00036).

- 9.3. The proposed rear extension measures approximately 2.9m in height above internal floor level, 3.9m in depth beyond the pre-existing rear elevation of the house and spans the full width of the property. The extension has a flat roof at a higher level than the eaves of the main dwelling and has three lantern rooflights projecting above its surface. The scale of the rear extension is considered to be subordinate to the host building, retaining adequate outdoor amenity space at the rear of the site. Whilst the flat roof design of the rear extension does not accord with the principal roof form and awkwardly interrupts the rear roofslope, due to its location at the rear of the building and subsequent lack of visibility from the public domain, this is considered acceptable. It has also been constructed in sympathetic materials.
- 9.4. The rear extension is considered to be a suitable addition to the building that has not harmed its appearance or that of the wider area, in accordance with policy DM21 of the Brighton and Hove City Plan Part Two and SPD12 guidance.
- 9.5. The proposed side extension/garage on the south side of the main building has been constructed slightly differently to the previously approved side extension (BH2024/00036) as it is approximately 240mm higher and 1.61m less deep. As proposed (as constructed) the extension measures approximately 5.2m in depth, 5.2m in total height and 2.75m in width. It is considered sufficiently subordinate to the host property, appropriately designed and does not have a detrimental impact upon the character or appearance of the dwelling or that of the wider streetscene.
- 9.6. A front porch and ASHP are also included as part of the completed works which require assessment under this application. These elements of the scheme were previously considered acceptable (BH2024/00036) and since they are identical to the previous application their acceptability remains the same for this application.

#### **Impact on Amenity**

- 9.7. The rear garden, which previously sloped upwards from south to north, has been levelled, resulting in significantly raised land levels along the southern boundary. According to the pre-existing and proposed rear garden elevations, the ground level along the southern boundary has increased by approximately 0.7m on the western end and 0.3m on the eastern end. This increase in ground level has materially heightened the potential for overlooking into the rear garden and ground floor windows of the adjacent property at No.38. In addition to this, the original garage has been demolished and relocated which previously provided some screening to the side boundary. The new position of the garage no longer provides any screening, which further increases the potential for overlooking into No.38 from the rear extension and raised garden level.
- 9.8. The works to level the garden are considered to constitute an engineering operation and therefore do not benefit from permitted development rights. As such, there is no fallback position that would justify the harm caused from the facilitated overlooking. Furthermore, the southern side-facing window within the rear extension has been fitted with translucent glazing. This treatment is inadequate in preventing views towards No.38 and does not comply with the

previously imposed condition on the now invalid planning permission BH2024/00036 requiring fully obscure and non-opening glazing below 1.7m from internal floor level. The resulting overlooking from this window further exacerbates the loss of privacy.

- 9.9. To address this the application was amended to propose a 1.8m high privacy hedge along the full length of the southern boundary to mitigate the overlooking impact and this would be secured by planning condition. It is considered that the provision of such a boundary treatment, providing it is retained and maintained, would be sufficient to reduce privacy impacts to an acceptable standard.
- 9.10. The rear extension is not considered to result in any significant harm to the amenity of No.42 Selhurst Road to the north, due to the separation distance and the fact that this property is situated on a higher land level than the application site. The levelling of the garden has decreased the land level at the northern boundary of the site as this was naturally at the top of the slope. The extension is also not considered to be overbearing to the occupants of No.38. Due to No.38's location to the south of the application site, the extension is not considered to result in any loss of light.
- 9.11. The garage/side extension and front porch are not considered to have resulted in any impacts to neighbouring amenity.
- 9.12. Despite minor differences with the previously approved scheme, no additional impacts are considered to have resulted from the relocation of the garage with the exception of the aforementioned privacy concerns.
- 9.13. An MCS (Microgeneration Certification Scheme) was submitted in the previous application for the ASHP which indicated a noise level of 42.1dB which is only 0.1dB higher than the 42dB standard contained within the MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises (2019). A condition regarding noise levels is attached to mitigate impacts relating to the ASHP.
- 9.14. Overall, the development as undertaken has resulted in an unacceptable loss of privacy to the occupiers of No.38 Selhurst Road by reason of the significantly increased land levels in the rear garden materially increasing the potential for overlooking. The translucent glazing installed in the southern wall of the rear extension is also considered insufficient to prevent overlooking and does not comply with the previously imposed condition requiring fully obscure glazing. The proposed full length 1.8m high privacy hedge along the southern boundary is considered to mitigate these impacts to an acceptable degree. The proposal is therefore, subject to planning conditions, not considered to result in a significant enough impact on residential amenity to warrant refusal of the application.

#### **Biodiversity Net Gain**

- 9.15. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

**Other matters**

- 9.16. Objections have been raised in relation to various party wall and building control issues. These matters are not material planning considerations. Objections also mention light spill/pollution from outdoor lights. Minor domestic lighting often does not require planning permission. Although the lights may result in some additional light spill, the property is in an urban area and some light emission from properties is expected.

**Conclusion**

- 9.17. In conclusion, the extensions and alterations are considered acceptable in terms of design. The levelling of the rear garden and translucent glazing installed in the southern wall of the rear extension have materially increased the potential for overlooking, however the attached recommended condition securing a 1.8m high hedge/fence running along the entire length of the southern boundary of the site is considered to ameliorate concerns related to loss of privacy. Subject to the recommended conditions the proposal is considered to be acceptable and in accordance with the policies of the Brighton and Hove City Plan Part One and Part Two.

**10. EQUALITIES**

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

## **Appendix 1: Councillor Objection**

Charlie Partridge

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From: Cllr Jacqui Simon  
Sent: 09 February 2026 19:10  
To: Charlie Partridge  
Cc: Cllr Jacob Allen  
Subject: RE: BH2025/01026

Follow Up Flag: Follow up Flag Status:  
Flagged

Dear Charlie,

Apologies for the delay.

My objection is on the grounds of the impact of amenity for neighbours.

OFFRPT

Kind Regards,

Cllr Jacqui Simon  
Labour  
Woodingdean  
(she/her)



---

From: Charlie Partridge <[Charlie.Partridge@brighton-hove.gov.uk](mailto:Charlie.Partridge@brighton-hove.gov.uk)>  
Sent: 09 February 2026 11:48  
To: Cllr Jacqui Simon <[Jacqui.Simon@brighton-hove.gov.uk](mailto:Jacqui.Simon@brighton-hove.gov.uk)>  
Cc: Cllr Jacob Allen <[Jacob.Allen@brighton-hove.gov.uk](mailto:Jacob.Allen@brighton-hove.gov.uk)>  
Subject: RE: BH2025/01026

Dear Councillor Simon,

Could you please confirm the specific reason for your objection?

I will need to get the process started by Wednesday if we are taking this to March committee.

Many thanks

Kind Regards,

Charlie Partridge | Planning Officer | Development Management  
Directorate of Place  
1<sup>st</sup> Floor, Hove Town Hall, Norton Road, BN3 3BQ  
T 01273 292205 | M 07394414451 | [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Please note my working days are Monday – Wednesday and Friday.

Our customer promise to you  
We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

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From: Charlie Partridge  
Sent: 16 January 2026 16:01  
To: Cllr Jacqui Simon <[Jacqui.Simon@brighton-hove.gov.uk](mailto:Jacqui.Simon@brighton-hove.gov.uk)>; Cllr Jacob Allen <[Jacob.Allen@brightonhove.gov.uk](mailto:Jacob.Allen@brightonhove.gov.uk)>

OFFRPT

Subject: RE: BH2025/01026

Dear Councillor Simon,

Could you please confirm the specific reason for your objection?

Also Councillor Allen could you confirm if you also object?

Kind Regards,

Charlie Partridge | Planning Officer | Development Management  
Directorate of Place

1<sup>st</sup> Floor, Hove Town Hall, Norton Road, BN3 3BQ

T 01273 292205 | M 07394414451 | [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

Please note my working days are Monday – Wednesday and Friday.

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

---

From: Cllr Jacqui Simon <[Jacqui.Simon@brighton-hove.gov.uk](mailto:Jacqui.Simon@brighton-hove.gov.uk)>

Sent: 12 January 2026 19:43

To: Charlie Partridge <[Charlie.Partridge@brighton-hove.gov.uk](mailto:Charlie.Partridge@brighton-hove.gov.uk)>; Cllr Jacob Allen <[Jacob.Allen@brightonhove.gov.uk](mailto:Jacob.Allen@brightonhove.gov.uk)>

Subject: RE: BH2025/01026

Dear Charlie,

I would still like to object to this planning application and call it into committee.

Many thanks,

Cllr Jacqui Simon  
Labour  
Woodingdean  
(she/her)



EMPLOYER RECOGNITION SCHEME

SILVER AWARD

Proudly supporting those who serve.

OFFRPT





**Brighton & Hove  
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. Jacob Allen**

**BH2025/01026 – 40 Selhurst Road**

**5<sup>th</sup> August 2025:**

I am objecting to this application as ward councillor for Woodingdean. I am concerned at the impact of the proposed development on the impact on amenity of the direct neighbours by way of significant overlooking contrary to DM20. City Plan P2 specifically acknowledge that *“new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The most sensitive areas are: living rooms; bedrooms; kitchens; and the part of a garden nearest to the house”*.

I welcome the commitment that the case officer will visit the site prior to making a delegated decision on this application, in order to gain valuable perspective in light of alleged inaccuracies in the documentation. It is vital in a quasi-judicial process like planning that the documentation is correct and proper.



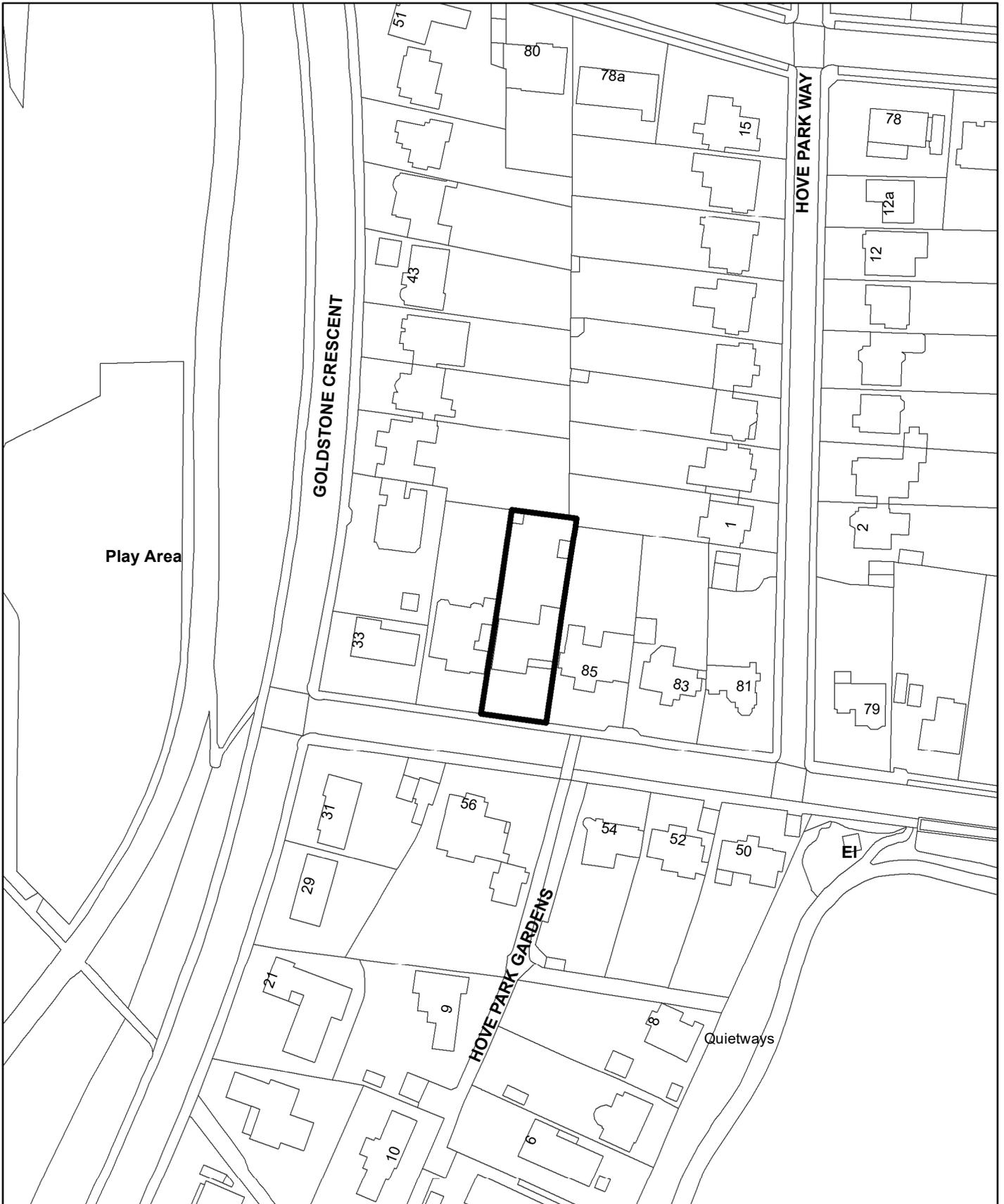
# **ITEM H**

**87 Hove Park Road  
BH2024/03142  
Householder Planning Consent**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2024 03142 - 87 Hove Park Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/03142</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>87 Hove Park Road Hove BN3 6LN</b>		
<b><u>Proposal:</u></b>	<b>Roof alterations including replacement of the roof, erection of 3no new proposed dormers to roof, 2no to the side and 1no to the rear and associated alterations.</b>		
<b><u>Officer:</u></b>	Matthew Gest tel: 01273 292525	<b><u>Valid Date:</u></b>	13.03.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	08.05.2025
		<b><u>EOT:</u></b>	15.07.2025
<b><u>Agent:</u></b>	Mr Dave Williams 8 Bembridge Crescent Southsea Southampton PO4 0QU		
<b><u>Applicant:</u></b>	C/O Willow Design and Architecture 87 Hove Park Road Hove Brighton & Hove BN3 6LN		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Report/Statement	Bat Emergence Survey Report		17-Nov-25
Location and block plan	2086-100		13-Mar-25
Proposed Drawing	2086-002A		13-Mar-25
Proposed Drawing	2085-004A		13-Mar-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM21 and CP12 of City Plan.

4. The east facing side dormer window and the northern most window in the west facing dormer window of the development hereby permitted shall not be glazed otherwise than with obscured glass up to 1.7m from floor level in the room in which the window is located and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
  
5. Prior to the installation of any air source heat pump(s) details of the Microgeneration Certification Scheme (MCS) 020 assessment shall be provided to the LPA for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter maintained as such.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
  
6. All ecological measures and works must be carried out in accordance with the recommendations in the Bat Emergence Survey Report (Elite Ecology, October 2025), submitted on the 12/1/2026, unless said measures are altered through a valid Bat Mitigation Licence (required through Natural England Development Licence) which would then take precedence.  
**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to protect species and habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended and in accordance with DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development
  
7. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2
  
8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. **Bats**

The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.

3. **Birds**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

4. **Biodiversity Net Gain**

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

## 2. **SITE LOCATION**

- 2.1. The planning application relates to a two-storey detached dwelling on the northern side of Hove Park Road. This area of Hove is characterised by

substantial detached dwellings of various styles, materials and form. Properties are generally set back sufficiently from the public highway and are set within relatively generous plots with sizeable rear gardens.

### **3. RELEVANT HISTORY**

- 3.1. **BH2019/03764** Erection of a single storey rear extension. Approved 13/3/2020

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for roof alterations including the replacement of the existing roof and it's tiling with clay tiles, the erection of two dormer windows to the side and one dormer window to the rear and associated alterations. The dormers are proposed to be finished in clay tiles to match the new replacement roof of the dwelling.
- 4.2. The description of the development was amended during the application consideration process to reference the replacement of the roof tiles and additional consultation was undertaken.
- 4.3. The site has been the subject of Bat Emergence Studies and a subsequent Bat Emergence Survey Report has been submitted during the application process.

### **5. REPRESENTATIONS**

- 5.1. In response to publicity, responses were received from **Eight** (8) individuals, objecting to the application and raising the following issues:
- Detrimental impact on property value
  - Inappropriate height of the development
  - Poor design / out of character with the area
  - Noise
  - Overdevelopment
  - Overshadowing
  - Restriction of view
  - Loss of Privacy
  - Light pollution
  - Increased sense of enclosure/ overbearing impact
  - An air source heat pump is being proposed
  - Concerns over publicity and neighbour notification
  - Unwanted precedent being set
  - Building works have commenced then suspended
  - Concerns relating to bats, works commenced without the relevant safeguards in place
- 5.2. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

### 6.1. **Ecology** No objection

The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

6.2. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

## 7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## 8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban Design

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity and ecology also requires consideration.

### Background

- 9.2. The proposal includes a replacement of the roof of the property and the addition of three dormer windows. The main roof of the property would be replaced in a like-for-like basis with clay tiles. It is understood that work commenced on site, before construction being suspended. The site is currently fully scaffolded and shrouded and the extent of the works which have been undertaken to date has not been established.

### **Design and Appearance**

- 9.3. The proposed development relates to the roof of the property and includes a complete replacement roof and three new dormer windows. The main roof of the property would be replaced and re-constructed to match the existing. Although the style of properties varies in Hove Park Road, hip roofs are generally characteristic of the area, and the proposal does not seek to change the main profiles. The only change in the profiles of the roof would come from the proposed dormer windows, two of which are proposed for each side elevation, and one of which is proposed for the rear elevation of the property.
- 9.4. The side dormer windows would be visible from Hove Park Road. Owing to the generous spacing between the properties in this section of Hove Park Road, the side roof slopes are readily visible from vantage points along the road. The dormers would give the roof of the property a more developed appearance, however, the side roofslopes are set behind the front gable projection. As a result, the side dormers would not be unduly dominant when viewed in the context of the substantial front elevation of the house.
- 9.5. The side dormer windows are considered to be appropriately designed being suitably set away from the eaves and down from the roof ridge. They would not dominate the side roof slopes and be of an appropriate scale and positioning. The dormer glazing is considered appropriately proportioned and would ensure that the cladding, which would be tile hanging, would not give rise to a bulky appearance. The design of the windows would replicate those at ground and first floor level.
- 9.6. The proposed rear dormer is considered to be an acceptable scale. Being set away from the ridge, eaves and side roof slopes, the works would still allow for the appreciation of the original rear roof slope. Again, the glazing is considered

to be an acceptable design, and the works would not give the rear of the property an overdeveloped appearance.

- 9.7. Representations received regarding the design of the works are noted, however the property would retain its characteristic hipped roof profiles. Furthermore, the scale of the existing roof is such that none of the proposed dormers are considered to dominate the existing roof profiles.
- 9.8. In regard to setting a design precedent, various roof extensions are visible in the immediate vicinity of the site, and whilst side dormer windows are not prevalent in Hove Park Road, the works would not give an overdeveloped appearance and would cause no harm to the character and appearance of the area. For the reasons outlined above, the overall design approach is considered acceptable.

**Impact on amenity**

- 9.9. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.10. The works proposed would be contained in the roof of the property and therefore away from the principal windows in ground and first floor of neighbouring properties and would cause no harmful impacts in terms of overbearing or loss of outlook.
- 9.11. The works would however be readily visible from neighbouring properties, and would give a more developed appearance to the site particularly when viewed from the existing roof windows of adjoining dwellings in Hove Park Road. Despite the close proximity to these roof windows, no significant harm in outlook would occur.
- 9.12. In regard to impacts on privacy, the rear dormer window would provide elevated and extended views to the rear of the site and rear gardens. Whilst additional views of neighbouring gardens, beyond the existing views from the first floor rear windows, may be achieved the overall relationship would not be unusual for a suburban location and the degree of harm is not considered to be significant.
- 9.13. No. 89 Hove Park Road, to the west, has a side gable window at roof level which faces the application site. Whilst the proposed dormer window on the west elevation would be located close to this window, the direct line of sight would be above this window and therefore no significant loss of privacy would result.
- 9.14. No.85 Hove Park Road to the east has a rooflight facing the application site. The eastern dormer window would provide outlook towards this skylight. The proposed eastern dormer window would be set slightly further to the rear than the roof light and this would avoid a direct line of sight to the rooflight.
- 9.15. There is some concern that the two side dormers would create new elevated views of the garden areas immediately adjacent to the rear of the dwellings either side. Given that these areas are considered to be the most sensitive a condition

is recommended to ensure that the windows are obscure glazed up to 1.7m from floor level in order to prevent any harmful loss of privacy.

- 9.16. The proposed dormers dormer would not cause any harmful impact in terms of loss of daylight/sunlight or loss of outlook. The roof extensions would not raise the height of the roof of the property and would not cause a loss of sunlight or overshadowing to neighbouring properties. Due to the close proximity of the dormer on the western elevation, to the gable window on the side elevation of no.89 Hove Park Road, there could be a minimal degradation of light to this window however the impact would not be so significant as to warrant refusal of the application. The roof light on 85 Hove Park Road would not be demonstrably impacted by the proposed eastern dormer.
- 9.17. In regard to noise and disturbance, the plans annotate that a new air conditioning plant and an Air Source Heat Pump (ASHP) would be housed in an existing shed in the rear garden. Representations made on the application indicates this shed has now been demolished. This has not been clarified by the applicant. As a domestic installation, it is not considered that air conditioning plant or ASHP, would likely cause any harmful noise and disturbance to adjoining residents. There are however regulatory planning conditions for noise generating equipment which are suggested in the event of an approval. This would minimise any potential for noise and disturbance.
- 9.18. The provision of a new outbuilding to contain plant and machinery does not form part of this application.

#### **Standard of Accommodation**

- 9.19. The proposed development would extend the existing roofspace accommodation. It would provide a studio, study and gym area with a bathroom facility. This would involve the loss of the existing second floor bedroom. Four double bed spaces would be retained at first floor level but no concerns are held in regards to the standard of accommodation provided. The proposal would comply with policy DM1 of the Brighton and Hove City Plan Part Two.

#### **Transport and Highways**

- 9.20. There is unlikely to be a significant increase in trips to and from the site as a result of the proposed development. The development would not include any changes to the access of the property from the highway.

#### **Ecology and Biodiversity**

- 9.21. The development would not extend the footprint of the property and would not impact adjacent trees.
- 9.22. The application has been supplemented by a Bat Emergence Survey Report (BESR October 2025). Three Bat Emergence Studies were carried out in June, July and September 2025. The building was found to support day roosts of whiskered bats, with egress points recorded on both the southern and northern elevations. The BESR makes a number of recommendations to minimise the impact of the development on bats. This includes but is not limited to the timing

of demolition/construction, ecologist supervision, provision of a bat box for any translocation, and provision of bat and bird boxes post-construction.

- 9.23. This study has been reviewed by the County Ecologist who raise no objection to the development. The works will lead to destruction and disturbance of confirmed bat roosts, a licence will be required from Natural England, with appropriate mitigation and compensation agreed, before any works which may impact bats / their roosts commence. The mitigation and compensation measures are contained in the BERS, will also be subject to agreement from Natural England during the licence process.
- 9.24. As recognised in the representations received, works on the roof did commence, although the extent of the works has not been documented. It is acknowledged that this may have impacted bat roosts. This is clearly regrettable. The works were paused and have now allowed for robust studies to be undertaken, and suitable recommendations to be made. Subject to compliance with the suggested conditions it is considered no unmitigated harm to protected species would result.
- 9.25. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees and swifts. A condition requiring the installation of a bee brick is attached to achieve a net gain in biodiversity and generally improve ecology outcomes on the site. The scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.
- 9.26. The proposal is considered to be in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.

#### **Other Considerations/ Matters raised in representation**

- 9.27. Loss of property value is not a material consideration for a household planning application. Loss of view is not a material planning consideration for this development, however the impact on the outlook from neighbouring properties has been fully considered in this report.
- 9.28. The development is for a domestic extension, and light and noise pollution from the occupation of second floor rooms would not be an issue in these situations. The application site would remain in domestic use.
- 9.29. In regard to neighbour consultations, this was reviewed in the course of the application and additional notifications have been made. The extent of the consultation has been undertaken in line with current practice.

#### **Conclusion**

- 9.30. The proposed development is considered to be an acceptable design which would not harm the design and appearance of the property, or the wider area. Subject to the recommended conditions there would be no significant impact on neighbouring properties, site habitats or biodiversity.

## **10. EQUALITIES**

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

# **ITEM I**

**77 Braemore Road  
BH2025/03063  
Householder Planning Consent**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**







<b><u>No:</u></b>	<b>BH2025/03063</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>77 Braemore Road Hove BN3 4HA</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and erection of replacement side extension, ground and first floor rear extension and hip-to-gable loft conversion, with associated roof alterations and extensions and revised fenestration.</b>		
<b><u>Officer:</u></b>	Oliver Spratley, tel: 01273 290390	<b><u>Valid Date:</u></b>	18.12.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12.02.2026
		<b><u>EOT:</u></b>	04.03.2026
<b><u>Agent:</u></b>	Vesta Architects Ltd Heath West Sussex RH16 1UA	Delta House 16 Bridge Road	Haywards
<b><u>Applicant:</u></b>	Miss Smith 77 Braemore Road Hove BN3 4HA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

**Conditions:**

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			18-Dec-25
Block Plan			18-Dec-25
Proposed Drawing	25-5042-P-04A	Amended	03-Feb-26
Proposed Drawing	25-5042-P-05A	Amended	03-Feb-26
Proposed Drawing	25-5042-P-06A	Amended	03-Feb-26
Proposed Drawing	25-5042-P-07		11-Feb-26

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

4. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

5. The development hereby permitted shall incorporate at least 3 swift bricks/boxes within the external walls of the development and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is commenced because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

## **2. SITE LOCATION**

- 2.1. The application site in Wish Ward is a residential plot accommodating a (linked attached) detached dwelling house set on the east side of Breamore Road. The existing property is a two storey dwelling with a pitched side hipped roof finished in a mix of brick and render.
- 2.2. The site is not in a conservation area and there are no other heritage assets or listed buildings nearby that would be affected by the proposed development.

## **3. APPLICATION DESCRIPTION**

- 3.1. The application proposes to alter the property from a three to four-bedroom dwellinghouse facilitated by side, rear and roof extensions.
- 3.2. The proposal is for the demolition of the existing garage which is currently attached to the neighbour's garage (94 New Church Road), the erection of a smaller replacement ground floor side extension with a pitched roof on the northern side; a flat roof ground floor extension is proposed which would extend 3m from the original rear wall and would be approximately 3.3m in height. A first floor rear extension is proposed on the northern side and a hip-to-gable loft conversion is proposed which would create a larger crown roof, pitched roof front dormer with associated changes to fenestration.
- 3.3. During the application process, the plans have been amended to amend the design. The scheme has been amended by removing an originally proposed rear box dormer and replace it with the extended hip to gable roofline.

## **4. RELEVANT PLANNING HISTORY**

- 4.1. **BH2020/01731** Erection of single storey rear extension and first floor extension to rear. Approved 2020
- 4.2. **BH2017/01556** Roof alterations to include hip to gable roof extension with rooflights and creation of rear dormer. First floor rear extension over existing ground floor extension and associated works. Approved 2017.

## **5. RELEVANT HISTORY AT OTHER SITES**

- 5.1. **BH2023/01182** 80 Braemore Road, Hove, BN3 4HB. Erection of two-storey rear extension with associated roof extension; creation of crown rooftop with side-facing Sussex hips, installation of 2no front and 2no rear Cabrio rooflights and removal of chimney; revised fenestration, and associated alterations. Approved 2023

## **6. REPRESENTATIONS**

- 6.1. Ten **10** representations have been received objecting to the application for the following reasons:
- Detrimental effect on property value
  - Inappropriate Height of Development
  - Overdevelopment
  - Overshadowing
  - Poor design
  - Restriction of view
  - Too close to the boundary
  - Traffic or highways
  - Access to property
  - Damaging to trees
  - Noise including during construction

## **7. CONSULTATIONS**

- 7.1. **Local Highway Authority:** No objection subject to condition and informative:

Parking Standards SPD14 states a maximum of 1 car parking space for this property. The conversion of the garage to habitable space would result in the loss of 1 car parking space, but there would still be space for 1 car on the driveway, which does not exceed the maximum and is an acceptable arrangement. The loss of 1 potential on-site car parking space may result in additional parking demand, but this is unlikely to have a significant effect on the public highway. The site is in Controlled Parking Zone W.

- 7.2. If the LPA is minded to grant consent, we request the inclusion of a Cycle Parking Scheme condition and informative, as below.
- 7.3. Full details of representations and consultee responses received can be found online on the planning register.

## **8. MATERIAL CONSIDERATIONS**

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 8.1. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part 2 (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised Oct 24);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 9. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban Design

#### Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposals and whether they would have a detrimental impact on neighbouring amenity. Biodiversity, trees and transport are also considerations.

### **Design and Appearance**

- 10.2. The resultant mass and volume of the building as proposed would be consistent with detached dwelling houses in the area and is not considered to be excessive in terms of depth and relative to the size of the plot.
- 10.3. The demolition of the side garage with erection of the side extension would visually improve the front elevation.
- 10.4. The streetscene is varied with some examples of gabled roofs, roof alterations and rooflights. Whilst there are limited examples of front dormers, the proposal is modest and sympathetically designed and would not cause harm to the property or the streetscene. The overall scale of the roof additions are considered to cause no harm to the character and appearance of the area.
- 10.5. The plans show that the main property's ridgeline roof height would not be increased and the roof would incorporate two gable features at the rear which

are considered to be acceptable and the overall remodelled roof including front dormer is considered acceptable in design terms.

- 10.6. The rear extension would be of an appropriate scale and would not be visible from the public realm.
- 10.7. Materials will be secured by condition to match existing except where explicitly shown and annotated in plan.
- 10.8. The proposals would result in an appropriate and acceptable appearance to the dwelling and would cause no harm to the character and appearance of the area in accordance with policies CP12 of the Brighton and Hove City Plan Part One and DM18 and DM21 of the Brighton and Hove City Plan Part Two.

#### **Neighbouring Amenity**

- 10.9. Internal remodelling and enlargement of the first-floor bathroom would result in a window being removed from the (side) south facing first floor elevation which reduces outlook from this point. An existing small window is retained to provide daylight to the bathroom.
- 10.10. A new rooflight would feature within the lean to pitched roof set above the side extension which would have minimal impact on privacy given it affords views mainly skywards.
- 10.11. The extended hip roof line to the rear would have a new pitch and the proposal would include three roof lights set into the crown roof which would also have minimal impact on privacy given they would afford views skywards also.
- 10.12. A new bay window to the rear would be created at first floor level set on the same plane as the existing bay gable end window and any additional overlooking to the rear would be very similar to the existing situation.
- 10.13. The new front dormer is not considered to give rise to impactful overlooking to neighbouring properties as it fronts the street.
- 10.14. No other new side windows are proposed.
- 10.15. The extents of the extensions are typical of detached dwelling houses in the area and the garden areas and side elevations of properties are already mutually overlooked to an extent, and no excessive additional overlooking would not occur from the proposal.
- 10.16. Representations received have raised concern with overshadowing, and impacts on residential amenity. However, given that the property is detached and is separated and is offset from its neighbours' directly to the north and east, any amenity impacts would not be excessively above the existing situation and would not warrant refusal of the application.
- 10.17. Representations received have expressed concern that the development would be too close to the boundary on the northern side. The plans show that once

the side extension is erected there would be some physical separation from the neighbouring standalone garage.

- 10.18. The rear first floor and hip to gable roof extension would add volume to the building, however, the property is and would remain detached from its neighbouring properties above ground floor and would not be increased in height. The additional mass would be relatively limited. The two-storey element and roof conversion extensions and projections do not overreach the main footprint of the dwelling house and would not cause any harmful impacts in terms of overbearing, outlook or loss of privacy.
- 10.19. The separation distances between neighbours dwelling houses would be unchanged and the dwellinghouse footprint at 77 Braemore Road position is offset in relation to the neighbouring properties on New Church Road located directly to the north, and so there would only be minimal impact on daylight and sunlight access caused by the proposed extensions to the first floor and rooflines. Neighbouring rear and side gardens to the north are south facing and so would also continue to have relatively good solar access (sunlight and daylight).
- 10.20. A desktop review indicates that there would be no unduly adverse impacts on solar panel installations.
- 10.21. It is therefore, considered that the scale, position, projection of the extensions would not be excessive and that there would not be a significant loss of privacy, outlook, loss of light or overbearing impact towards neighbours - and the proposal would, therefore, comply with policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

#### **Standard of Accommodation**

- 10.22. The proposed development would extend and improve the existing property and the works would comply with policy DM1 of the Brighton and Hove City Plan Part Two and no conflict with the Nationally Described Space Standards (NDSS) has been identified.

#### **Biodiversity and Trees**

- 10.23. There are no protected trees (TPOs) on or adjacent to the site which would be affected by the development.
- 10.24. A representation raised concern regarding potential damage to a neighbouring garden tree. The replacement side extension is set away from the property boundary from the most part and no tree has been identified as being of significant concern to warrant any further actions as part of the planning application, although any ownership issues would be a civil matter to be resolved privately.
- 10.25. Conditions recommending insertion of bee and swift bricks/boxes are recommended, to enhance biodiversity outcomes, as per policies CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two.

- 10.26. Biodiversity Net Gain - this scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because:
- It is a householder application

### **Transport and Highways**

- 10.27. Whilst the demolition of the side garage is proposed the building line of the replacement side extension would be setback from the front elevation which continues to allow ample space for on plot car parking. There would be no change to the property access from the public highway.
- 10.28. The comments of the Local Highway Authority regarding the loss of the garage (and thus potential for cycle parking) are noted, however, it is not justified or necessary to impose a condition requiring a cycle store on a householder application, and there is ample space within the property to provide this should the occupiers require this.

### **Other matters**

- 10.29. Representations raised concern with effect on property value and loss of views, however, these are not material planning considerations for the determination of applications. Concern has been raised relating to the works required to detach the adjoining garages, however, this is not a material planning consideration and is covered by separate civil legislation such as the Party Wall Act.
- 10.30. Representations also raised concern with noise related to construction activities which would be temporary. This is a small-scale minor householder planning application for which CEMPs (construction and environment management plans) are not usually required, and there are not considered to be any exceptional site circumstances to warrant a CEMP here.

## **11. CONCLUSION**

- 11.1. As set out above, the proposal is considered to comprise a relatively modest set of extensions to a domestic property that would be in keeping with the dwelling and its surroundings and would not unduly impact neighbouring amenity. The proposal would comply with relevant policies of the Brighton and Hove City Plan Part One and Part Two.

## **12. EQUALITIES**

- 12.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.



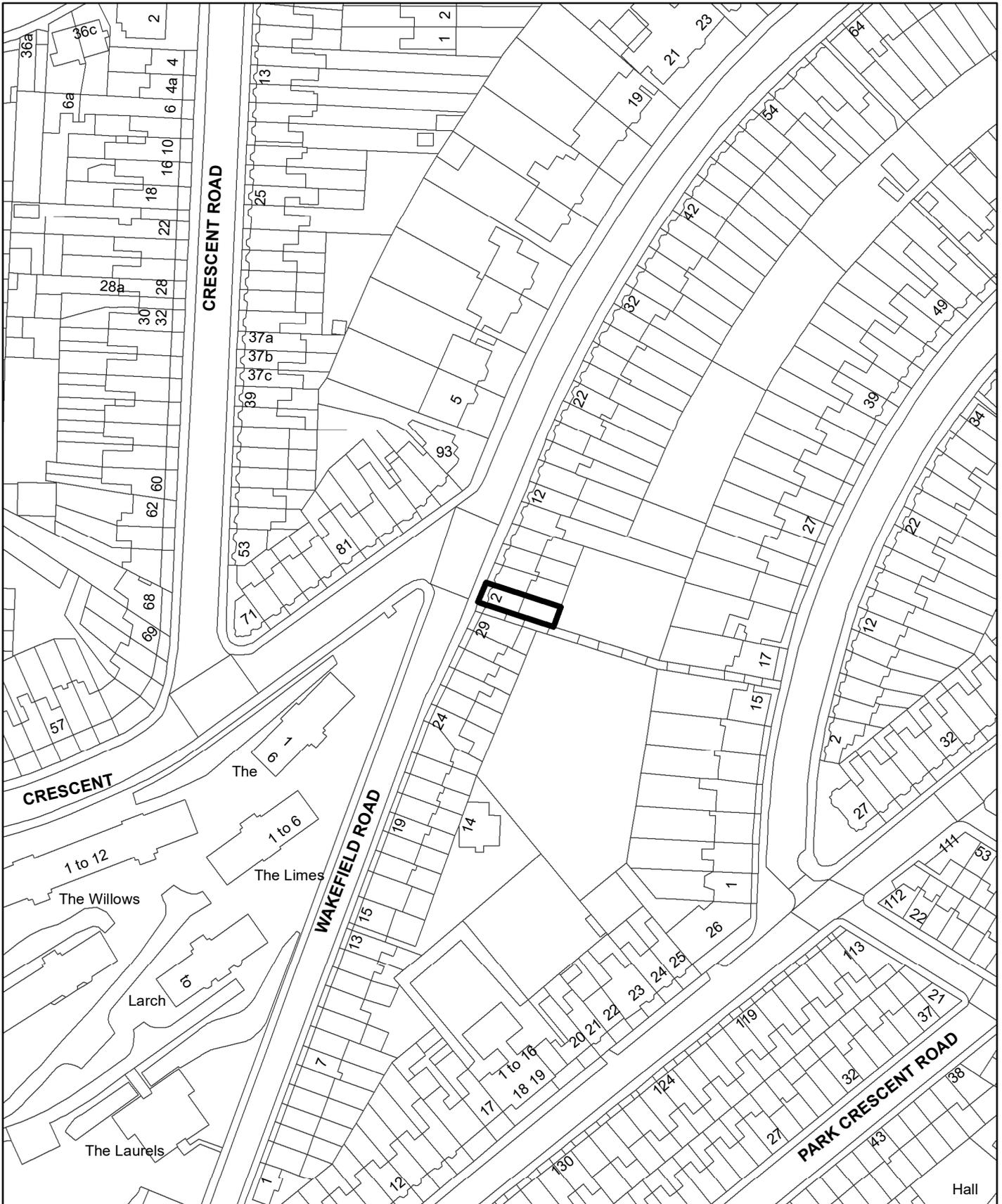
# **ITEM J**

**2 Richmond Road  
BH2025/03024  
Householder Planning Consent**

**DATE OF COMMITTEE: 4<sup>th</sup> March 2026**



# BH2025 03024 - 2 Richmond Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2025/03024</b>	<b><u>Ward:</u></b>	<b>Round Hill Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>2 Richmond Road Brighton BN2 3RN</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing fenestration and fitment of a new entrance door to basement, and first floor window to the front elevation, erection of a single storey rear extension, loft conversion with 2no. rear dormers and 1no. front conservation rooflight (amended).</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, tel: 01273 202138	<b><u>Valid Date:</u></b>	12.12.2025
<b><u>Con Area:</u></b>	Round Hill	<b><u>Expiry Date:</u></b>	06.02.2026
		<b><u>EOT:</u></b>	20.01.2026
<b><u>Agent:</u></b>	Lewis McMillan Architects Ltd. 108 Barnett Road, Brighton, BN1 7GH		
<b><u>Applicant:</u></b>	Yuval Veeder, 2 Richmond Road, Brighton, BN2 3RN		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

**Conditions:**

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	25-120-20		12-Dec-25
Proposed Drawing	25-120-03	E	20-Jan-26
Proposed Drawing	25-120-04	D	20-Jan-26

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. All new render finishes of the ground floor rear extension shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

**Reason:** To ensure a satisfactory appearance to the development and to comply with DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One

4. The windows hereby approved to the front elevation of the building shall be slimline double glazed painted timber double hung vertical sliding sashes with

no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match the original sash windows to the building, and the windows shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. The rooflight(s) hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

6. All historic decorative moulding above the front entrance door and windows to the front elevation of the building shall be retained and are not to be removed during the construction of the development.

**Reason:** To ensure the satisfactory preservation of the building and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One

7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants

3. Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan

4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.

## **2. SITE LOCATION**

- 2.1. The application site relates to a three storey end of terrace dwellinghouse located on the east side of Richmond Road within the Roundhill Conservation Area. The building is constructed in white painted render and the existing glazing to the front elevation is with timber framed sash windows. The existing pitched roof is unaltered and constructed in concrete red tiles. At the rear, the building has a patio and rear garden where the land slopes to the east with views to Roundhill Crescent and Bear Road.
- 2.2. The southern elevation of the building lies immediately adjacent to a stepped pathway known locally as "catscreeper" that connects Richmond Road to Roundhill Crescent.
- 2.3. The site is located in the Round Hill Conservation Area and alterations to the dwellinghouse are restricted by an Article 4 Directive restricting permitted development rights in order to preserve the appearance and architectural features of the buildings.

## **3. RELEVANT HISTORY**

- 3.1. **BH2003/03562/FP** Loft conversion with 1 front rooflight and 2 rear rooflights. Approved (not implemented)

## **4. RELEVANT HISTORY AT OTHER SITES**

- 4.1. **BH1998/01870/FP** 10 Richmond Road - Installation of 2no. rear dormers and balustrading to existing terrace at rear. Approved

- 4.2. **BH2025/00846** 5 Wakefield Road - Roof alterations incorporating rear dormer, with 1no. front and 1no. rear rooflight, and erection of single-storey rear conservatory extension. (amended). Approved
- 4.3. **BH2025/02216** 9c Richmond Road - Replacement of existing fenestration and fitment of a new entrance door to basement, and first floor window to the front elevation, erection of a single storey rear extension, loft conversion with 2no. rear dormers and 1no. front conservation rooflight (amended). Approved

## 5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for replacement of the existing fenestration and fitment of a new entrance door to basement, a new first floor window to the front elevation, the erection of a single storey rear extension, loft conversion with 2no. rear dormers and 1no. front conservation rooflight.
- 5.2. During the course of the application amendments have been made to the proposal removing the 'rosewood' UPVC windows from the front elevation that are now proposed to be white painted timber framed slimline double glazed sashes. The second rooflight proposed to the front roof slope has also been removed, and the material finish of the roof has been upgraded to slate tiles. The materials of the rear dormers and rear extension are now confirmed to match the host building. Details have also been added to the proposed elevational drawings showing the detail retained on the front elevation below the blank window at first floor level.
- 5.3. Neighbours have not been reconsulted as the proposal is now considered to be less harmful to the appearance of the building and Conservation Area and the amendments do not fall outside the scope of the original description of works.

## 6. REPRESENTATIONS

- 6.1. In response to publicity, responses were received from **11** individuals and the Round Hill Society, **objecting** to the application and raising the following issues:
- Cause visual harm to the appearance of the building and the terrace of 4 houses that it sits within (2-8 Richmond Road).
  - Adversely harm the character and appearance of the Conservation Area, Catscreeper and green corridor.
  - Inappropriate height of development.
  - Overdevelopment of the site.
  - Inadequate detailing has been included on the plans omitting the detail above the front door and windows on the front elevation and that amendments were sought by the case officer prior to consultation ending
  - The alterations would cause harm to the neighbouring amenity and result in overshadowing, overlooking and an overbearing form of development
  - Result in a detrimental loss of biodiversity.
  - Concerns on the use of the building

- 6.2. Councillor Raphael Hill has objected to the application and a copy of their representation is attached as an appendix to this report.
- 6.3. In addition, responses were received from 1 individual in **support** of the application, raising the following issues:
- Good Design
  - The development increases internal space efficiently while upgrading windows to modern performance standards with heritage aesthetics. This represents renovation that keeps historic buildings viable and well maintained for future generations.
  - Conservation areas are not museums - loft conversions with appropriately designed dormers allow properties to provide modern accommodation without increasing ground footprint. The rear extension is modest and subordinate to the main building.
- 6.4. Full details of representations received can be found online on the planning register.

## 7. CONSULTATIONS

### Internal

- 7.1. **Heritage** No comment

Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

### External

- 7.2. **CAG:** Refuse

No objection to the slimline sash windows or 1no. conservation style rooflight  
Concerns that the description and plans have inadequate detailing.  
Development would cause harm to the terrace that it sits within and the Conservation Area

## 8. MATERIAL CONSIDERATIONS

- 8.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 8.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## 9. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

#### Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

#### Other Documents

Round Hill Conservation Area character statement

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact of the development on the character of the Conservation Area and whether the development would have a detrimental impact on neighbouring amenity. Other considerations include the standard of accommodation provided for the existing and future occupiers and the impacts of the development on the Biodiversity of the site.
- 10.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

- 10.4. A site visit has been carried out by the case officer to assess the proposal and to consider the points raised in the representations received.
- 10.5. At present, the front elevation of the building is in poor condition, the sash windows are rotten and the basement has visible damp and the front elevation is in need of refurbishment. The current condition is considered to detract from the character of the Conservation Area and visually from the neighbouring dwellings.

### **Design, appearance and heritage**

#### Front Elevation

- 10.6. The proposal seeks to alter the front elevation of the building by replacing the existing timber framed single glazed sash windows that are in poor condition with timber framed slimline double glazed sashes. These amendments to the front elevation of the building are considered to be sympathetic to the existing glazing, matching their opening method and traditional frame finish. As the building is not listed, there is no objection to the replacement with slimline double glazed units. A condition is attached requiring that the sash windows are white painted timber framed and recessed within the frame and show no visible trickle vents subject to this condition this is considered acceptable.
- 10.7. A new sash window is proposed to the first floor 'blind' recessed window above the front door. Concerns have been raised that this alteration would detract from the uniformity of the four houses (2-8) within the terrace and cause harm to the Conservation Area. Whilst it is noted that these four dwellings do share this same blank window feature above the door, the buildings are not strictly identical and uniform in appearance. It was noted on the site visit that there are other examples of windows being fitted to the 'blank' window recess at this level at neighbouring dwellings within the vicinity of the site. As there is some variation to the front elevations of the neighbouring dwellings and within the streetscene, the fitment of a sympathetic traditional sash window in this blank recess is not considered to cause harm to the appearance of the building or terrace that would warrant refusal. The design would match the other new sash windows proposed to the front elevation and it is not considered that the window would result in an incongruous addition.
- 10.8. Concerns have been raised by local residents, CAG and the Round Hill Society that the existing and proposed drawings are inaccurate and do not show adequate detailing of the ornate features above the front door, its pillars or the windows cill and frames. There are no concerns on the information submitted and no loss of the historic moulding to the front elevation is proposed and this is recommended to be secured by condition.
- 10.9. A new door is proposed to the basement level that would not create new access to the street level but provide the occupiers with access to the basement area for repairs and bike storage. The drawings confirm that the new door will be four panelled and timber and is considered to be acceptable.
- 10.10. The amendments to the front roof slope include replacing the existing concrete tiles with slate tiles and fitment of 1no. conservation style rooflight that would

align with the window in the bay below. Taking into account the rooflights present at no. 4 and no. 6 Richmond Road, this part of the development is considered acceptable. The new slate tiles would improve the appearance of the building and is welcomed. A condition is recommended requiring that the rooflight is conservation style and fitted flush within the roof slope.

- 10.11. Taking into account the existing condition of the building and the context of the street scene, the alterations proposed to the front elevation of the building would result in an improvement to the appearance of the building from its current deteriorated condition and cause no harm to the Round Hill Conservation Area.

#### Rear Elevation

- 10.12. The application proposes a new rear ground floor extension and two new dormer windows within the rear roofslope.
- 10.13. The proposed ground floor rear extension is single storey and would extend 3m into the rear garden with a pitched roof approximately 3.3m in height with an eaves height of 2m. The proposed side elevational drawing detail the height of the development and what will be visible above the boundary wall from Catscreep. The drawings show 1.7m of the extension will be visible above the side/rear boundary. The extension would be adequately set away from the southern boundary and Catscreep by 1.3m with the majority of the development otherwise concealed from view. The extension is proposed to be finished in white painted render with a slate tiled pitched roof to match the principle roofslope. The new sliding doors to the rear elevation of the extension would be a modern design however due to their concealment below the boundary wall no concern is raised in this respect.
- 10.14. The design and material finish of the ground floor extension is not considered to cause harm to the appearance of the existing building. The original planform of the host building would remain clearly identifiable. The depth of the extension proposed is not considered to overdevelop the site. Adequate outdoor amenity space of over 5.7m would be retained to the eastern boundary and the extension is also set away from the shared boundary with no. 4 Richmond Road to the north.
- 10.15. There are other examples of a single storey rear extension to the rear elevation of Richmond Road such as no. 12 Richmond Road to the north and no. 29 Wakefield Road to the south. In the wider area to the north on Richmond Road this form of development is seen at most rear elevations from no. 28 upward. To the south of Catscreep there is a flat roof extension to the rear elevation of no. 29 Wakefield Road that has been constructed with a flat roof and is built up to the boundary wall.
- 10.16. Given the context of the rear elevation of the neighbouring dwellings and the overall size of the plot, the single storey rear extension is considered to result in a subordinate addition that would not cause harm to the appearance of the building or Round Hill Conservation area. The proposal would not interrupt any views of the green corridor between Richmond Road and Roundhill Crescent or views to the east to Bear Road. A condition is attached requiring the materials

to match the host building, where necessary, to ensure a sympathetic appearance.

- 10.17. Two new rear dormer windows are proposed to the rear roofslope. The dormers are aligned sufficiently with the existing first floor glazing, of traditional design and sufficiently small in scale. The new glazing will be 'rosewood' UPVC heritage style double glazed units which is acceptable given their positioning and limited visibility. The improvement of changing the principal roof material from concrete tiles to slate is considered to be an overall enhancement to the appearance of the building and the fitment of two modest, traditional dormer windows to the rear roof slope would not detract from the appearance of the building or conservation area.
- 10.18. When viewing the rear elevation of 2 Richmond Road and wider area, there are other examples of similar development at no. 10 Richmond Road to the north, dormer windows present to the east, visible from the rear garden of the site to the front roof slopes of Roundhill Crescent and to the south on Wakefield Road. Representations have commented that recent planning applications for similar development have been refused in the conservation area however searches have not found this is not the case. The rear elevation of the building is not highly visible from Catscreep due to the height of the boundary, fences and the green hedges. When viewed from Roundhill Crescent there are oblique and longer views of the rear elevation but this is interrupted by the existing trees and vegetation.
- 10.19. Concerns have been raised by local residents, CAG and the Round Hill Society that the proposed single storey rear extension and 2no. rear dormer windows would visually be intrusive causing harm when viewed from Catscreep and the surrounding Conservation Area however following the amendments received, due to the sympathetic design of the dormers, traditional materials proposed and the context of the rear roof slopes within the terrace, the alterations are not considered to cause harm to the appearance of the building or cause harm to the appearance and character of the Conservation Area that would warrant refusal.
- 10.20. Overall the alterations and extensions to the host building are considered acceptable and in accordance with policies DM18, DM21, DM26 of City Plan Part Two and CP12 and CP15 of City Plan Part One.

#### **Impact on Amenity**

- 10.21. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 10.22. Concerns have been raised that the new glazing to the front and rear of the building would result in a loss of privacy to the adjoining neighbours.
- 10.23. The new window proposed to the front elevation 'blank' window would create new views to the west however there is adequate separation between this

window and the dwellings on Princes Crescent by the highway and green space opposite that the new glazing would not result in a loss of privacy to the residents on Princes Crescent.

- 10.24. The new windows proposed in the rear dormers are small in scale and whilst new views will be created from the converted loft space, the views achievable would be similar to that already existing at first floor level from the existing windows.
- 10.25. Concerns have been raised that the ground floor rear extension would result in an overbearing extension at the rear resulting in a loss of light and privacy to the adjoining neighbours.
- 10.26. The neighbour most affected by the proposal would be no. 4 Richmond Road to the north adjoining the site. The height of the extension would not sit detrimentally taller than the existing boundary and the proposed pitched roof design and single storey ground floor nature would also mitigate any harmful overshadowing. The adjacent property no. 4 sits higher in land level than no. 2 which also mitigates any harmful overshadowing and the proposal would not result in a loss of light or outlook that would warrant refusal in this instance.
- 10.27. The view from the new sliding patio doors proposed to the rear elevation would be mitigated by the boundary treatment to no. 4 Richmond Road and there is considered to be adequate separation to the dwellings east on Roundhill Crescent to mitigate against any loss of privacy.
- 10.28. Therefore, after careful consideration, the development is not considered to result in an overbearing form of development, causing harmful loss of privacy or significant loss of light to the adjoining neighbours that would warrant refusal, in accordance with policy DM20 of City Plan Part Two.

#### **Standard of Accommodation**

- 10.29. The alterations proposed to the dwellinghouse will result in a 3 bedroom, 5 person accommodation over 4 storeys. There would be no increase in occupancy beyond the existing arrangement as the third bedroom on the first floor will be converted to a bathroom and a new double bedroom placed in the converted loft space.
- 10.30. Concerns were raised in neighbour consultation that the development would create a poor standard of accommodation. No change of use is proposed and the plans show a retained C3 residential dwelling.
- 10.31. The new layout proposed would meet the minimum floorspace standards of 99sqm for the number of occupants proposed. The two double bedrooms exceed the minimum requirement of 11.5msq and the single bedroom exceeding 7.5msq. The proposed floorplan includes adequate ventilation and light in each bedroom and adequate space within the rooms for placement of furniture.
- 10.32. The rear extension will mostly take place on hard standing and leave adequate outdoor amenity space for the use of future occupiers.

- 10.33. Overall the development is considered to offer an acceptable standard of accommodation for a C3 residential dwelling in accordance with policy DM1 of City Plan Part Two and the Nationally described space standards.

### **Biodiversity**

- 10.34. Concerns were raised that the development would have a detrimental effect on the biodiversity of the site and local wildlife.
- 10.35. The wildlife assessment submitted with the application did not consider the development was in close proximity to woodland that the alterations would have an impact on local wildlife that required further consideration or consultation the county ecologist.
- 10.36. The ground floor extension will mostly take place on hard standing. There would be some trimming of the hedge on the northern boundary with no. 4 Richmond Road to facilitate the extension however as this hedging is of low quality, the impacts of this alterations to the biodiversity and wildlife of the site would not warrant refusal. A condition is attached requiring that a bee brick is fitted to the extension to improve the biodiversity of the site.
- 10.37. The scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.
- 10.38. The plans are considered to accord with policies DM37 of City Plan Part Two and CP11 of City Plan Part One.

### **Conclusion**

- 10.39. Taking into account all the above, the proposed development is considered to have an acceptable impact on the host building that would not cause harm to its appearance or to the character of the Round Hill Conservation Area. No demonstrable harm to neighbouring amenity would result from the proposal and the impacts are otherwise considered acceptable.

## **11. EQUALITIES**

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and

determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.



## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Raphael Hill**

**BH2025/03024 – 2 Richmond Road**

#### **22<sup>nd</sup> January 2026:**

I would like to make an objection in my capacity as local ward Councillor to BH2025/03024 'Replacement of existing fenestration and fitment of a new entrance door to basement, and first floor window to the front elevation, erection of a single storey rear extension, loft conversion with 2no. rear dormers and 1no. front conservation rooflight (amended).' 2 Richmond Road Brighton BN2 3RN

This is based on concerns raised to me by the Round Hill Society that this application could do harm to the character and appearance of the Round Hill Conservation Area and conflict with the consistent application of adopted planning policy. I would therefore wish for planning committee to consider the application and to be able to speak against the application if it comes to committee.



**NEW APPEALS RECEIVED BETWEEN**  
**08/01/2026 - 04/02/2026**

<b>Ward</b>	Hanover & Elm Grove
<b>Appeal Ref</b>	APL2026/00001
<b>Appeal App Number</b>	BH2025/02419
<b>Address</b>	62 Albion Hill Brighton BN2 9NX
<b>Development Description</b>	Application for a Certificate of Lawfulness (Proposed) under Section 192 of the Town and Country Planning Act 1990, seeking confirmation that, by operation of Section 180 of the Act, the enforcement notice upheld and varied on appeal APP/Q1445/C/22/3298802 has ceased to have effect insofar as inconsistent with planning permission BH2024/00507, and that the carrying out of works authorised by that permission would therefore be lawful.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	15/01/2026
<b>Application Decision Level</b>	Delegated

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<b>Ward</b>	Wish
<b>Appeal Ref</b>	APL2026/00006
<b>Appeal App Number</b>	BH2025/01923
<b>Address</b>	Ground And First Floors Flat 38 Boundary Road Hove BN3 4EF
<b>Development Description</b>	Conversion of 1no residential flat to form 2no residential flats.
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	23/01/2026
<b>Application Decision Level</b>	Delegated

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<b>Ward</b>	Whitehawk & Marina
<b>Appeal Ref</b>	APL2026/00002
<b>Appeal App Number</b>	BH2025/01909
<b>Address</b>	Garage, 3 Rugby Place Brighton BN2 5JB
<b>Development Description</b>	Conversion of ground floor to form a two- bedroom flat (C3) incorporating a single storey rear extension and revised fenestration (part retrospective).
<b>Application Status</b>	APPEAL IN PROGRESS
<b>Appeal Received Date</b>	16/01/2026
<b>Application Decision Level</b>	Delegated

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**Ward** Rottingdean & West Saltdean  
**Appeal Ref** APL2026/00005  
**Appeal App Number** BH2025/02106  
**Address** 21 Tumulus Road Saltdean Brighton BN2 8FR  
**Development Description** Erection of single storey garage to front elevation  
**Application Status** APPEAL IN PROGRESS  
**Appeal Received Date** 19/01/2026  
**Application Decision Level** Delegated

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**Ward** Westdene & Hove Park  
**Appeal Ref** APL2026/00004  
**Appeal App Number** BH2025/01832  
**Address** 4 Benett Drive Hove BN3 6PL  
**Development Description** Erection of single storey rear extension, enlargement of rear first floor dormers and installation of rear terrace, and associated alterations.  
**Application Status** APPEAL IN PROGRESS  
**Appeal Received Date** 19/01/2026  
**Application Decision Level** Planning (Applications) Committee

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**Ward** Hollingdean & Fiveways  
**Appeal Ref** APL2026/00003  
**Appeal App Number** BH2025/02399  
**Address** 14 Lucerne Road Brighton BN1 6GH  
**Development Description** Installation of a fence along the front boundary. (Retrospective)  
**Application Status** APPEAL IN PROGRESS  
**Appeal Received Date** 19/01/2026  
**Application Decision Level** Delegated

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**APPEAL DECISIONS FOR THE PERIOD BETWEEN**  
**21/01/2026 - 17/02/2026**

**Wardname** Hollingdean & Fiveways  
**Appeal Application Number** APL2025/00073  
**Address** Birch Grove Nursing Home  
1 - 3 Stanford Avenue  
Brighton  
BN1 6AD

**Development Description** Application for removal of condition 17 of BH2022/00867 (minimum of 31 bedrooms used for elderly nursing care).

**Appeal Type** Against Refusal  
**Appeal Decision** Appeal Allowed  
**Planning Application Number** BH2024/01585  
**Application Decision Level** Delegated

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**Wardname** Queen's Park  
**Appeal Application Number** APL2025/00082  
**Address** 136 Freshfield Road  
Brighton  
BN2 0BR

**Development Description** Change of use and conversion of vacant public house incorporating erection of three storey extension and associated works to create 3no two bedroom flats (C3) with office space (Class E) and Café (Class E).(Part retrospective).

**Appeal Type** Against Refusal  
**Appeal Decision** Appeal Allowed  
**Planning Application Number** BH2024/03108  
**Application Decision Level** Delegated

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**Wardname** Whitehawk & Marina  
**Appeal Application Number** APL2025/00085  
**Address** Site Of Former Electricity Sub Station  
Lions Court  
Manor Gardens  
Brighton

**Development Description** Erection of three storey residential block to provide 6no flats (C3).

**Appeal Type** Against Refusal  
**Appeal Decision** Appeal Allowed

**Planning Application Number** BH2025/01123

**Application Decision Level** Delegated

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